

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

FEB 5 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

FEB 5 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated:

30 JAN 75

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

FEB 5 1975

At 10 o'clock a.m.

MARCH FONG EU, Secretary of State

By: *Merzie R. Kershner*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 44-101.5  
44-111.33

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CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On July 18, 1974 the Department of Health, Education and Welfare sent Program Instruction 75-2 to State Agencies Administering Approved Public Assistance Plans.
2. The above mentioned program instruction specified that the incentive allowances of \$30 per week made to trainees under the Comprehensive Employment and Training Act of 1973 are to be disregarded in determining need and the amount of the assistance payment pursuant to Public Law 93-113 and specifically 29 USC 821(a).
3. In order to implement the requirements of Public Law 93-113 in a timely manner, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

44-101 INCOME DEFINITIONS (Continued)

44-101

APSB  
AFDC

5 Earned Income

.51 Earned income is income received in cash or in kind as wages, salary, commissions or profit from activities such as business enterprise, farming, etc., in which the recipient is engaged as a self-employed individual or as an employee.

.52 Earned income also includes

.521 Earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock or poultry, other than sale of an entire holding. See Section 44-135.

.522 Returns from personal or real property, such as net income from rental of rooms, or board and room, if such returns result from an appreciable and continuous effort on the part of the applicant or recipient.

.523 Earnings under Title I of the Elementary and Secondary Education Act.

.524 Payments under the Economic Opportunity Act, including payments to beneficiaries of assistance under that Act, through such programs as the Job Corps, the Neighborhood Youth Corps, New Careers and Concentrated Employment.

AFDC

.525 Training incentive payments and work allowances under ongoing manpower programs, other than WIN, such as MDTA. Incentive allowances under CETA are exempt

pursuant to 44-111.33.

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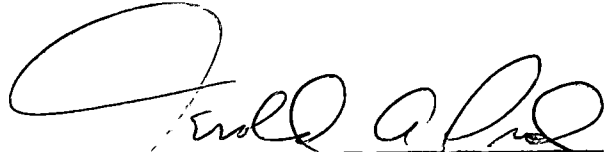
44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AFDC .33 Comprehensive Employment and Training

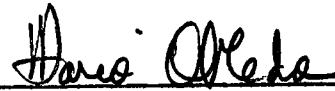
Incentive allowances of \$30 per week made to trainees under the  
Comprehensive Employment and Training Act are exempt.

There are no state mandated local costs within the meaning of Section 2231 of the Revenue and Taxation Code because these regulations merely implement recently enacted Federal Law.

Approved by:

JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:

MARIO OBLEDO, Secretary  
Health and Welfare Agency

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FEB 5 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: January 24, 1975

By: 

Acting Director

(Title)

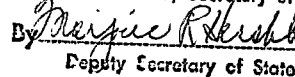
FILED

In the office of the Secretary of State  
of the State of California

FEB 5 1975

At 11:10 o'clock P. M.

MARCH FONG EU, Secretary of State

By:   
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections	42-400	42-406
	42-401	42-407
	42-403	22-027.1
	42-405	

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**CHAPTER 42-400 RESIDENCE**

**APSB  
AFDC**

**42-400 RESIDENCE**

**42-400**

Residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for payment of aid. (See Section 40-125.)

**42-401 STATE RESIDENCE FOR ELIGIBILITY**

**42-401**

No durational period of residence in the state or county is required.

**42-403 RESIDENCE — GENERAL**

**42-403**

**.1 Definition of Residence**

A person is establishing residence at the place where he is living if he has no present intention of leaving. Residence, in the state, once established, continues until the recipient leaves the state and establishes residence elsewhere.

**.2 Residence Established by Physical Presence**

A person (including a child) establishes residence in the state by physical presence for purposes not temporary in nature.

**.3 Program Requirements**

The husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. An applicant for or recipient of aid does not lose residence for aid because of marriage, but moving out of state with the spouse also implies intent to establish residence elsewhere.

**42-405 RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS**

**42-405**

**.1 Rights of Residence Location**

Applicants for or recipients of aid have the same freedom of movement and choice of a place to live accorded other citizens of California.

**.2 Informing County of Residence Changes**

.21 An applicant or recipient, including the parent or person responsible for the child receiving aid in AFDC, shall immediately inform the county to which he applied, or the county paying aid, if he goes to another county, state, or country, regardless of the anticipated date of return. (See Section 40-181.5.)

.22 Such an applicant or recipient shall cooperate with the county welfare department and provide the county with a monthly written statement explaining his reasons for absence from California, his intent to return to California and anticipated date of return. Failure to promptly provide such statements will result in immediate discontinuance of aid payments.

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**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-406 COUNTY WELFARE DEPARTMENT RESPONSIBILITY

42-406

**APSB  
AFDC**

- .1 Physical absence from the state indicates a possible change of residence. The county shall make inquiry, at the time of the next aid payment, from all applicants or recipients who have been continuously absent from this state for 30 days or longer in order to ascertain the recipient's intent to maintain California residency. If the inquiry establishes (see Section 42-407.2) that the recipient is no longer a California resident, aid shall be discontinued immediately.
- .2 The response to the inquiry shall include, but is not limited to, the following:
  - .21 a statement of the applicant or recipient declaring his anticipated date of return to California, or his intent not to return to California.
  - .22 a statement of the applicant or recipient declaring his reason for continued absence from California.
  - .23 a statement of the applicant or recipient delineating the present location and status of the housing arrangements (owned, leased, or rented) for himself and his family (spouse and children).
  - .24 the completion and return of Form WR-7, giving his current employment status, and all other factors normally used to compute the recipient's needs.
  - .25 a notice to the applicant or recipient that his failure to respond to the inquiry will result in his ineligibility and termination of aid payments.

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(Pursuant to Government Code Section 11380.1)

**42-407 EVIDENCE OF RESIDENCE INTENTION**

**42-407**

**.1 Applicant or Recipient Physically Present in State**

**APSB  
AFDC**

**.11 General**

The written statement of the applicant or recipient is acceptable to establish his intention and action on establishing residence unless the statement is inconsistent with other statements on the Form WR 2, Form WR 7, or with the conduct of the person or with other information known to the county.

**.12 Applicant or Recipient is an Alien**

The applicant or recipient who is not a citizen of the United States must establish his residence by one of the following:

.121 A certificate signed by the alien under penalty of perjury that to the best of his knowledge he is in the county legally and is entitled to remain indefinitely, or certifies he is not under order for deportation, or certifies if married, his spouse is not under order for deportation.

.122 Affidavits of two United States citizens attesting to the alien's continuous residence in the United States for five years or more at the time the county requests certification of his legal right to reside.

**.13 Verification of Alien Status**

.131 If the alien establishes his residence under Section 42-407.121 above, aid may be granted provided all other eligibility requirements are met. The alien certification shall then be forwarded by the county to the United States Immigration and Naturalization Service for verification and aid shall continue pending such verification. If INS is unable to verify the matter set forth under Section 42-407.121, aid shall be terminated.

.132 Affidavits submitted pursuant to Section 42-407.122 shall constitute a rebuttable presumption that the alien is entitled to be in the country for purposes of determining eligibility. If such affidavits attest to the fact that the alien has resided continuously in the United States:

- a. for a period of less than 20 years, the county may rebut this presumption through independent verification, including verification by INS.
- b. for a period of 20 years or more, the county may rebut the presumption through verification of the duration of residence by INS only if the county has reason to question the validity of the duration of residence stated on the affidavits.

**.14 Language Requirement**

If the alien is not fluent in English, it shall be the duty of the county to provide an understandable explanation of the requirements in a language in which he is fluent.

**.2 Absence from the State**

.21 If an applicant or recipient does not respond, within 30 days, to the monthly county inquiry of residence (Section 42-408), it shall be presumed that he does not intend to maintain California residency and aid shall be discontinued immediately.

.22 If the applicant or recipient responds to the inquiry, and advises the county that he does not intend to return to California, aid shall be discontinued immediately.

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(Pursuant to Government Code Section 11380.1)

42-407 EVIDENCE OF RESIDENCE INTENTION (Continued)

42-407

AFDC  
APSB

- .23 If the applicant or recipient responds to the inquiry and advises the county that he intends to maintain his California residency but he remains out of state for 60 days or longer, his continued absence is prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California subject to Section 42-407.24. Such absence in itself is sufficient evidence to support a determination that the applicant or recipient has established residence outside of California. Therefore, his intent to return must be supported by one or a combination of the following:

.231 family members with whom the applicant or recipient lived, currently live in California.

.232 the applicant or recipient has continued maintenance of his California housing arrangements (owned, leased or rented).

.233 The applicant or recipient has employment or business interests in California \_\_\_\_\_.

.234 Any other act or combination of acts by the applicant or recipient which establishes his intent to reside in California.

.235 Further, the applicant or recipient's intent to reside in California must not be rebutted by any of the following:

a. The applicant or recipient has purchased or leased a house out of state since leaving California.

b. The applicant or recipient has been employed out of state since leaving California.

c. The applicant or recipient has obtained an out-of-state motor vehicle driver's license since leaving California.

d. The applicant or recipient has taken any other action which indicates his intent to establish residence outside California.

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(Pursuant to Government Code Section 11380.1)

42-407 EVIDENCE OF RESIDENCE INTENTION (Continued)

42-407

AFDC  
APSB

- .24 Continuous absence of 60 days or longer shall not be prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California where he clearly shows:

.241 he has not, by act or intent, established residence outside of California; and

.242 his return to California was prevented by illness or an emergency.

- .25 If after being disqualified for continued absence, the recipient returns to the State within 60 days after leaving, and he is otherwise eligible, he shall be granted aid on the first day of the month following his application.

22-027 COMPLIANCE WITH STATE DEPARTMENT OF BENEFIT PAYMENTS DECISIONS

22-027

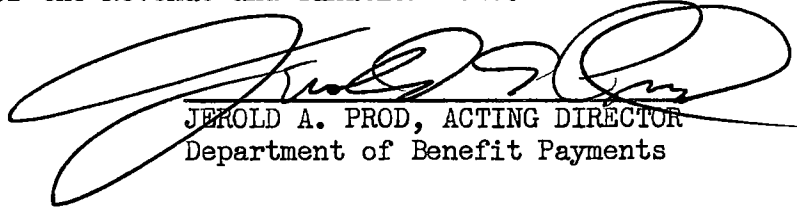
- .1 Immediately upon receipt of notice of the decision (excepting decisions rendered in appeals by an adult child liable for contributions, see Section 22-027.3), the county shall comply with the decision and shall notify the Office of the Chief Referee by completing a compliance form issued by the State Department of Benefit Payments. If the decision is in favor of the claimant on the issue involved, but aid has not been paid by the county, the notice to the State shall include a complete statement of the reasons why the county has not complied with that decision.

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CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code.



JEROLD A. PROD, ACTING DIRECTOR  
Department of Benefit Payments



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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**FACE SHEET**  
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ENDORSED

APPROVED FOR FILING

Gov. Code 11380.2)

FEB 21 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
 and correct copy of regulations adopted, or  
 amended, or an order of repeal by:

Benefit Payments

(Agency)

Dated:

3 FEB 75

By:

Acting Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

FEB 21 1975

At 5:00 PM

MARCH FONG EU, Secretary of State

By Monica M. Barrow  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 44-115.6  
 44-115.7

Repeal: Section 44-115.8

Renumber: Section 44-115.8 from former 44-115.9

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(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On March 23, 1972 Alameda County Superior Court issued an order in Waits v. Swoap which invalidated EAS Section 44-115.611 and prohibited the Department of Benefit Payments from presuming that nonneedy caretaker relatives are making an in-kind contribution of housing and utilities to AFDC children in their care.
2. On July 2, 1974 the California Supreme Court issued a decision which affirmed the order of the Supreme Court.
3. On July 2, 1974 the California Supreme Court issued a decision in the case of Cooper v. Swoap which reversed a May 4, 1972 judgment of the Sacramento County Superior Court and held that EAS Section 44-115.8 was invalid.
4. The Superior Court issued a temporary restraining order, dated September 27, 1974 and effective October 1, 1974 which provides that the Department shall immediately cease implementation of EAS Section 44-115.8.
5. In order to implement the court orders in a timely manner, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC .6 Nonneedy Relatives

Natural or adoptive parents, stepfathers of AFDC children whose natural parent is in the home, or adults whose needs are met through APSB, EVH or SSI/SSP programs shall not be considered to be nonneedy relatives for purposes of this section.

.61 Treatment of Contributions

The county shall determine if the nonneedy relative wishes to contribute to the support of the child(ren) in his care. He may do so by specifying an exact dollar amount to be contributed.

Any amount so specified shall be considered net income to the AFDC child(ren).

.62 Minor Residing with Parents

When the FBU consists of a minor parent and her children residing with her parent(s), in kind values for housing, utilities, food and clothing for the minor parent shall be deducted as in-kind income. Additional deductions for the child(ren) of the minor parent shall be made in accordance with .61 above.

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(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

APSB  
AFDC

.7 Free Board and Lodging Received During Temporary Absence from Home

.71 Absence One Month or Less

The value of free board and lodging received by a recipient during a temporary absence from his home of not more than one month shall be considered inconsequential. (See Regulations 44-101 and 44-111.44.)

.72 Absence Exceeds One Month

After an absence of one month free board and lodging, i.e., food, shelter and utilities, shall be considered income but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he expects to return. (W&IC 11009.1.)

.73 Definition of "One Month"

For purposes of this section, one month is considered to be 30 calendar days, starting with the first full day of absence from the home.

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(Pursuant to Government Code Section 11380.1)

AFDC 44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

.8 ☐ For purposes of this section, the following shall be considered as the in-kind income value of certain items of need for an FBU:

.81 ☐ Housing

- a. one-person FBU — \$61/per month
- b. two-person FBU — \$82/per month
- c. three-person FBU — \$89/per month
- d. four-person or larger FBU — \$95/per month

.82 ☐ Utilities (including telephone)

- a. one-person FBU — \$13/per month
- b. two-person FBU — \$14/per month
- c. three-person FBU — \$15/per month
- d. four-person or larger FBU — \$17/per month

.83 ☐ Food

- a. one-person FBU — \$34/per month
- b. two-person FBU — \$74/per month
- c. three-person FBU — \$93/per month
- d. four-person FBU — \$115/per month
- e. five-person FBU — \$139/per month
- f. six-person FBU — \$162/per month
- g. seven-person FBU — \$179/per month
- h. eight-person FBU — \$197/per month
- i. nine-person FBU — \$215/per month
- j. ten-person or larger FBU — \$232/per month

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**AFDC**

44-115

**EVALUATION OF INCOME IN KIND (Continued)**

44-115

.84Clothing

- a. one-person FBU — \$10/per month
- b. two-person FBU — \$20/per month
- c. three-person FBU — \$30/per month
- d. four-person FBU — \$40/per month
- e. five-person FBU — \$50/per month
- f. six-person FBU — \$60/per month
- g. seven-person FBU — \$70/per month
- h. eight-person FBU — \$80/per month
- i. nine-person FBU — \$90/per month
- j. ten-person or larger FBU — \$101/per month

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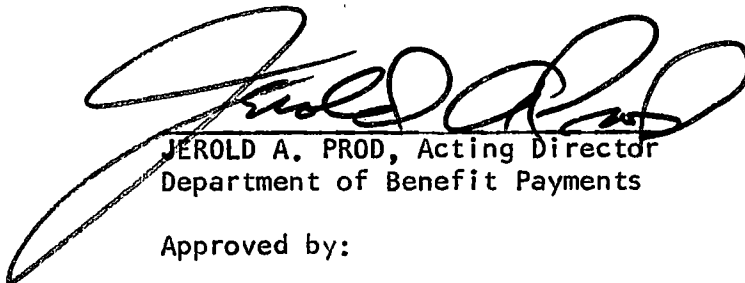
(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective immediately upon filing with the Secretary of State:

44-115.8 (One or More Recipients of AFDC Resides in the Same Household with One or More Recipients of Adult Aids)

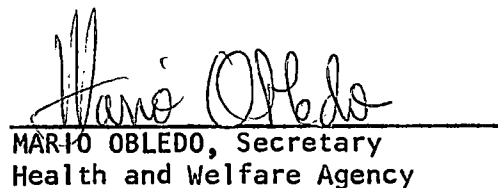
There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because they implement mandates of the court.

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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MAR 13 1975

Office of Administrative Hearings

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Benefit Payments

(Agency)

Dated:

4 FEB 75

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAR 13 1975

At 9:40 o'clock a.m.

MARCH FONG EU, Secretary of State

By: *Marjorie R. Blushberger*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections: 40-125.25  
40-125.32  
40-189.123

Adopt Section: 40-125.33

Renumber Sections: 40-125.34 from former 40-125.33  
40-125.35 from former 40-125.34

Repeal Section: Former 40-125.35 (OAS Applicant - Inmate of Nonprofit Home or Institution)

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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND  
RESTORATIONS (Continued)

40-125

AFDC  
APSB

.25 Medical Facility - As used herein means an intermediate care facility, a nursing home or hospital, including a facility licensed by the Department of Health for the care of the mentally ill, or mentally retarded. (Section 40-189.123)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND  
RESTORATIONS (Continued)

40-125

AFDC  
APSB

.32 Applicant Who Is An Inpatient or a Former Inpatient In a State Hospital

An applicant who is an inpatient in a state hospital \_\_\_\_\_ or has been released from inpatient status in such a hospital for a period of less than three years is considered to "live" in County "C" subject to the limitations set forth in Sections .321 and .322 below.

Except as provided in Section .322 below, the three years referred to herein start on the day following the inpatient's release from the hospital and this period is not considered to be interrupted by a temporary period of rehospitalization in a state hospital which is for ten days or less.

At the termination of such three-year period following release from the state hospital, the county in which such individual "lives" is determined in the same manner as for any other person and without regard to his period of hospitalization in the state hospital.

.321 If an applicant was discharged from the state hospital prior to July 1, 1969, the county in which he is considered to "live" is determined in the same manner as for any other applicant and without regard to his period of hospitalization in the state hospital.

.322 An applicant who was released from a state hospital on leave of absence prior to July 1, 1969, is considered to "live" in County "C" for as long as he remains on leave of absence. If the leave of absence is terminated and he is discharged on or after July 1, 1969, it is considered that he continues to live in County "C" for a three-year period following the date of his discharge from the hospital.

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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS  
(Continued)

40-125

AFDC  
APSB

.33 Applicant Who Is An Inpatient In a Public or Private Institution Other Than A State Hospital

An applicant who is an inpatient in a public or private institution (see Section 42-503) not mentioned in .32 above is considered to "live" in County "C" for as long as he remains on inpatient status.

.34 Applicant Receiving Care in Medical Facility in County B

An applicant who has had to secure and is currently receiving care in a medical facility outside of County A, because such care was not reasonably available to him in County "A" is considered to "live" in the county in which he last maintained a living arrangement outside a medical facility.

When the applicant in a medical facility is a former patient in a state hospital, \_\_\_\_\_ the county in which he is considered to "live" is determined as provided in Section .32 above.

.35 Applicant Absent from State Retaining California Residence

An applicant who is absent from the state but retaining California residence is considered to "live" in the county in which he was living immediately prior to leaving the state. (See Sections 40-105 and 40-181.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-189

RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued)

40-189

AFDCAFSB

**.123** The recipient who is admitted to a public or private institution (Section 42-503) for inpatient care is considered to "make his home" in the county from which he was admitted to that institution.

A recipient released from inpatient status in an institution other than a state hospital

shall have his residence determined in the same manner as for any other person.

A recipient released from inpatient status in a state hospital is considered to continue to "make his home" in the county from which he was admitted for a period of three years following his release from the hospital, subject to the limitation below (see Section 40-125.32).

- a. If the individual was discharged from the hospital prior to July 1, 1969, the county in which he "makes his home" is determined in the same manner as for any other person. He may move from one county to another and his prior period of hospitalization in the state hospital is disregarded in determining the county in which he "makes his home."
- b. If the individual was released on leave of absence from the state hospital prior to July 1, 1969, and discharged on or after July 1, 1969, it is considered that he continues to "make his home" in the county from which he was admitted to a state hospital for as long as he remains on leave of absence and for three years following the date of his discharge from the hospital.

DO NOT WRITE IN THIS SPACE

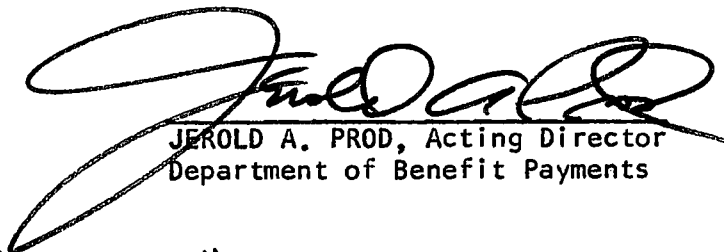
**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

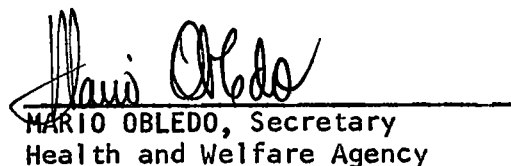
The following regulation is to be repealed effective the thirtieth day after its filing with the Secretary of State:

Former 40-125.35 (OAS Applicant - Inmate of Nonprofit  
Home or Institution)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements a mandate previously mandated by statute (Chapter 378, Statutes of 1971).



JEROLD A. PROD, Acting Director  
Department of Benefit Payments



MARIO OBLEDO, Secretary  
Health and Welfare Agency

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF BENEFIT PAYMENTS



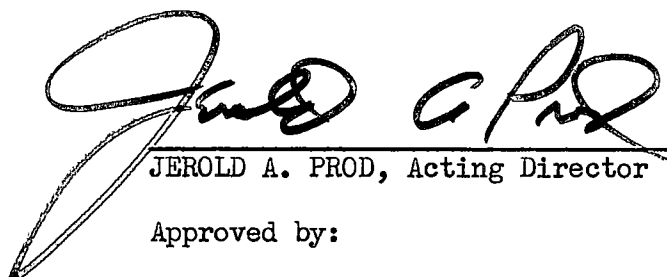

March 12, 1975

REFER TO:

FILED  
In the office of the Secretary of State  
of the State of CaliforniaMAR 13 1975  
At 9:40 o'clock a.m.  
MARCH FONG EU, Secretary of State  
By *Maipie R. Kershberger*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on December 11, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

  
JEROLD A. PROD, Acting Director  
Approved by:  
MARIO OBLEDO, Secretary  
Health and Welfare Agency

RECEIVED FOR FILING

MAR 13 1975

Office of Administrative Hearings

## DEPARTMENT OF BENEFIT PAYMENTS



March 11, 1975

REFER TO:

FILED

In the office of the Secretary of State  
of the State of California

MAR 27 1975

At 9:29 o'clock A.M.

MARCH FONG EU, Secretary of State

By *Meiqin R. Hershberger*  
Deputy Secretary of State

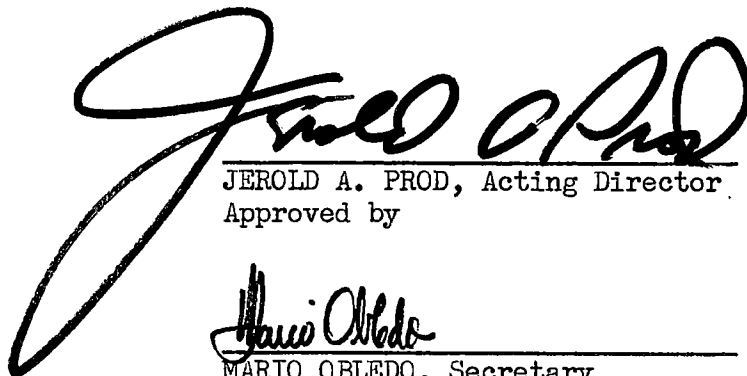
RECEIVED FOR FILING

MAR 27 1975

Office of Administrative Hearings

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on December 24, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

JEROLD A. PROD, Acting Director  
Approved byMARIO OBLEDO, Secretary  
Health and Welfare Agency

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 27 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

MAR 27 1975

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

\_\_\_\_\_  
Department of Benefit Payments

(Agency)

Dated: March 20, 1975

By: \_\_\_\_\_

*[Signature]*  
\_\_\_\_\_  
Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAR 27 1975

At 9:09 o'clock A.M.

MARION FONG EU, Secretary of State

By: \_\_\_\_\_

*[Signature]*  
\_\_\_\_\_  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: 46-335.1  
 46-335.31  
 46-335.5  
 46-335.6

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS

45-335

The Welfare & Institutions Code provides for county issuance of emergency loans to recipients of state supplementary payments whose regular monthly SSP check is is not available to them due to loss, theft, or delay.

.1 Eligibility for Loans

A recipient of state supplementary payments who is without his SSI/SSP check due to loss, theft or delay shall be eligible to receive an emergency loan if:

- (a) such recipient either received or was eligible to receive a regular supplementary payment for the month immediately preceding the month of application for a loan; and
- (b) a replacement of the recipient's regular monthly check has not been received within four days of the date such fact was reported to the Social Security Administration.

.11\_\_Recipients who for the month of December 1973 were cash grant recipients under the OAS, ATD, or AB programs and were converted or eligible to be converted to the Federal Supplemental Security Income Program shall be eligible for emergency loans for the month of January 1974 and any subsequent months until actual conversion occurs, providing such recipients meet the other requirements of this section.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.3 Determination of Loan Amount

- .31 The loan shall be an amount not more than the SSI/SSP benefit which the recipient received, or was eligible to receive, for the month immediately preceding the month in which application for an emergency loan is made.

46-335 EMERGENCY LOANS (Continued)

46-335

.5 County Action on Defaulted Loans

When a recipient fails to repay a loan by the date agreed upon in the loan agreement, the county shall take appropriate action to obtain collection of the amount owed, as follows:

- .51 Administrative actions shall be taken in all cases. These actions shall include a minimum of three payment demand letters sent at not less than 10-day intervals after the due date of the loan, telephone calls and/or a personal home visit as appropriate; and
- .52 For all unpaid loan balances of more than \$50.00, where the recipient is an owner of real property, the county shall obtain a court judgment and file an abstract of the judgment; or
- .53 For all unpaid loan balances of more than \$50.00, where the recipient is not an owner of real property, the county shall obtain a court judgment and pursue a writ of execution if in the county's judgment, the efforts would result in recovery.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-335 EMERGENCY LOANS (Continued)

46-335

.54 The county shall continue collection efforts on reimbursed loans in all instances where such efforts may result in recovery.

.55 The county shall maintain documentation on all loans which have been submitted to the state for reimbursement.

46-335 EMERGENCY LOANS (Continued)

46-335

.6 State Reimbursement for Uncollected Loans

If, after the county has taken action as indicated in Section 46-335.5 above to enforce repayment of a defaulted loan, but has failed to obtain repayment, the State shall reimburse the county in an amount equal to the uncollected amount of such emergency loan. Reimbursement shall be made in accordance with procedures established in the Fiscal Manual.

Counties may claim reimbursement at the times and under the conditions stated below:

.61 At the time the county is notified of the death of a recipient who has left no estate, or when the county determines that the recipient's whereabouts are unknown.

.62 For all unpaid loan balances of \$50.00 or less, or where the recipient has moved out of the state and his whereabouts are known, after having taken the appropriate minimum number of administrative actions in .51 above.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

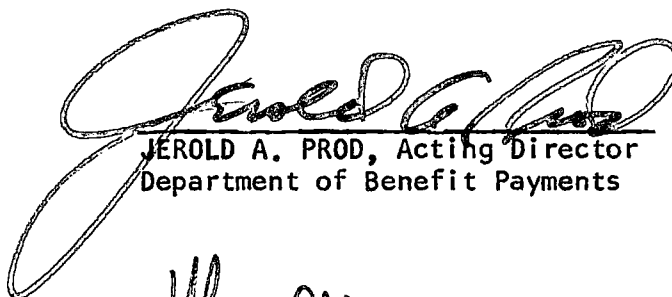
46-335 EMERGENCY LOANS (Continued)

46-335

- .63 For all unpaid loan balances of more than \$50.00, where the recipient is the owner of real property, after filing the abstract of the judgment.
- .64 For all unpaid loan balances of more than \$50.00, where the recipient is not the owner of real property, when the appropriate minimum number of administrative actions have been taken and upon determination by the county that further legal action would not result in recovery.

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because financing has been provided by Chapter 1216, Statutes of 1973.

DO NOT WRITE IN THIS SPACE



JEROLD A. PROD, Acting Director  
Department of Benefit Payments



MARIO OBLEDO, Secretary  
Health and Welfare Agency

## DEPARTMENT OF BENEFIT PAYMENTS



March 13, 1975

REFER TO:

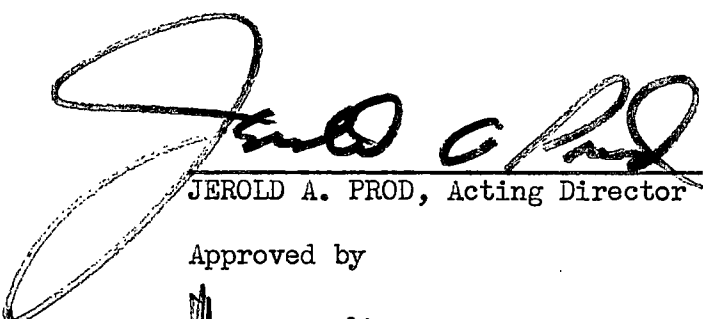
## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on December 31, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

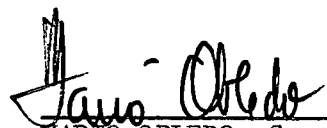
RECEIVED FOR FILING

APR 14 1975

Office of Administrative Hearings

  
JEROLD A. PROD, Acting Director

Approved by

  
MARIO OBLEDO, Secretary  
Health and Welfare Agency

FILED

In the office of the Secretary of State  
of the State of California

APR 16 1975

At 11:30 o'clock A.M. *See*

MARCH FONG EU, Secretary of State

By   
Deputy Secretary of State

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 23 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FI  
(Gov. Code 11380.2)

APR 23 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments  
(Agency)

Dated: March 11, 1975

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

APR 23 1975

At 2:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Marypie R. Hersberger*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Adopt: Sections 42-203.21  
42-203.7  
42-203.8

Amend: Sections 42-207  
42-209  
42-211  
42-213  
42-215

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-200

PROPERTY

42-200

Definitions

42-203 BASIC DEFINITIONS (Continued)

42-203

AFDC  
APSB

.21 For purposes of this chapter cash and securities refers to cash, savings and checking accounts, securities, instruments or other evidence of indebtedness such as notes, mortgages and deeds of trust. (See exception in APSB at 42-219.2.)

42-203 BASIC DEFINITIONS (Continued)

42-203

AFDC  
APSB

.7 Net Market Value

Net market value is the <sup>highest</sup> price that property, less encumbrances thereon, will bring in a sale by a willing seller to a willing buyer in the ordinary course of business.

AFDC

.8 Members of the AFDC Family

For purposes of this chapter the members of the AFDC family are the child and his natural or adoptive parents, provided they are not receiving SSI/SSP benefits.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT

42-207

APSB

1 Property Used as a Home

If real or personal property owned by the applicant, or in which the applicant owns an interest with any other person, is used to provide the applicant with a home, the value is disregarded in determining property holdings. The home may be a single dwelling or one with multiple units provided the units not occupied by the applicant are yielding income for his support consistent with their rental value. (See Income Chapter.)

It shall be considered that property is used as a home and the value disregarded during temporary absence as long as there is sound basis for anticipating that the recipient will again occupy the property within a reasonable period of time.

Interpretation — A home includes any property right the applicant or recipient may have in a home or institution in which he is living. A property right in a home or institution may result from an advance payment to the institution such as a property assignment, accommodation fee, founders fee. When the applicant or recipient is living in the home or institution, it is considered that such property right serves to provide him with a home and, accordingly, the total value of the property right is disregarded in determining property holdings.

A home owned and occupied means the home used by an applicant and his dependents and the land immediately contiguous to it which is needed for family garden, orchard, etc. "Contiguous" as used herein is land which touches and which is not separated by a road, street, right of way or in any other manner from the land on which the home is located.

Retention of two pieces of property for use as a "home" is permissible only when the recipient's health condition will not permit him to live in either one the entire year, i.e., extreme heat may prevent occupancy in the regular home in the summer months and the summer home may be located where the climate is too severe in the winter to permit use all of the year or it may be so constructed that it is not adequate housing the year round. In other words, if either of the "homes" is such that it could adequately meet the recipient's housing need all the year round, the second piece of property would be subject to the requirement that it be used to contribute to the support of the recipient. (See 21 below.)

APSB

2 Real Property Held to Produce Income

21 Additional real property may be owned by the applicant or in combination with his spouse provided (1) it is producing income consistent with its value and such income is used for the support of the applicant and (2) the total county assessed value of the property does not exceed \$5,000. (See Section 42-217, Utilization of Real Property, and Net Income in Income Chapter.)

Interpretation — In evaluating real property held to produce income, the total county assessed value of property owned by the applicant or in combination with his spouse must be considered regardless of the applicant's equity in the property and without regard to any encumbrances against the property. When the applicant or the applicant and his spouse are not the sole owners of the property, their proportionate share of the total assessed value is considered without regard to encumbrances.

22 Real property subject to the income producing requirement is property which is not contiguous to the home property, or if contiguous, is so situated that it could be utilized to contribute to the support of the applicant without jeopardizing free use of the home, access to water, etc. (See definition of "contiguous" under Section 1 Interpretation, above.)

In determining if the income from real property subject to the income producing requirement is consistent with the market value of the property, the total market value is considered regardless of any encumbrances against the property. (See Section 42-217.11.)

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT  
 OR RECIPIENT (Continued)

42-207

APSB .3 Real and Personal Property Reserve Limitation - APSB

The net market value of real and/or personal property not excluded elsewhere in this chapter owned by an applicant or recipient of APSB shall not exceed \$2200 of which no more than \$1200 shall be cash and securities, or in the case of a married couple, both applicants or recipients of APSB, shall not exceed \$3000 of which no more than \$2000 shall be cash and securities. (See Section 42-211.2 for personal property to be included.)

APSB .4 Property Held for Use in a Plan of Self-Support

An APSB recipient with a plan for achieving self-support may retain real and/or personal property in excess of that specified for APSB recipients in the above Sections, provided (1) such property is or will be required to effectuate his plan for self-support and (2) the county assessed value does not exceed \$5,000 after encumbrances of record are deducted from the county assessed value. If the personal property is not assessable, the assessed value shall be 25% of the market value.

AFDC .5 Real Property - AFDC

The combined real property holdings of an AFDC family, including the home and all other real property, may not exceed a value of \$5,000, computed by subtracting all encumbrances thereon of record from the county assessed value.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT (Cont.) 42-207

AFDC .5 Real Property - AFDC (Cont.)

Any mobile home, camper, trailer, houseboat or any other dwelling which is assessed as real property by the county assessor shall be considered and evaluated as real property for AFDC purposes.

Any mobile home, camper, trailer, houseboat or other dwelling which is not assessed as real property by the county assessor, but which is used as a family's only home, is exempt from consideration as personal property so long as the market value of the dwelling, divided by four, less encumbrances of record, and the value of the family's real property holdings (as determined in 42-207.5 above) together do not exceed a total value of \$5,000.

42-207 .6 Personal Property Reserve Limitation 42-207

AFDC The net market value of personal property not excluded elsewhere in this chapter owned by an AFDC family shall not exceed \$1,600 of which no more than \$600 shall be cash and securities. If either limit is exceeded, ineligibility results. (See Section 42-211.2 for personal property to be included and Section 42-215 for value determination).

42-209 DIFFERENTIATION OF PERSONAL PROPERTY AND INCOME

42-209

AFSB

AFDC

When, as a result of the receipt of a lump-sum payment listed in Section 44-111.41, the property reserve on the first of the month following its receipt exceeds the amount allowable, the excess shall be income in that month. Any unexpended portion of such income becomes personal property again on the first of the month following that in which it was considered income.

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-211      PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY  
 BE RETAINED

42-211

APSB

AFDC

.1      Real Property to be Included

.11      In addition to the items included in the definition of real property in Section 42-203.1, the following are to be evaluated as real property:

- a.      cemetery property held for profit.
- b.      stocks in a water company not appurtenant to the land in furnishing water for agricultural purposes.

c.      The items defined in this section which are owned (see  
Section 42-203) by an applicant or recipient are subject to the  
limits set forth in Section 42-207, unless specifically excluded  
by Section 42-213.1.

.12      Real property owned by an applicant or recipient includes real property which:

- a.      secures any of his debts.
- b.      is being purchased                      by him under a contract of sale, or  
mortgage and/or deed of trust.
- c.      is being sold by him under contract of sale, but no contract  
has actually been signed.
- d.      is being held by him with retention of life estate.
- e.      is held in trust for him and is available to him for disposition  
 or use.
- f.      is held for him in an undistributed estate and is available for  
 his use prior to distribution.
- g.      is being sold by him and is held in escrow.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE 42-211  
 RETAINED (Continued)

APSB .2 Property To Be Included in Personal Property Reserve Limitations (see  
AFDC Section 42-207 .3 and .6).

.21 Cash and securities include cash, savings, and checking accounts,  
securities, instruments and other evidence of indebtedness such as  
notes, mortgages, and deeds of trust. (see exception in APSB at  
Section 42-219.2).

.22 Motor Vehicles

The net market value of all motor vehicles not exempted from  
evaluation as personal property under the following conditions:

Exempt from evaluation those motor vehicles necessary to implement  
and continue an approved plan of employment, rehabilitation, or  
self-care necessary for employment whose combined net market value  
does not exceed \$1,500. Where more than one motor vehicle is  
necessary for these purposes, only the one(s) whose combined net  
market value does not exceed \$1,500 shall be exempted.

.23 Household Items and Furnishings

.231 Each household item necessary to provide, equip, and maintain  
a household if the net market value of the item exceeds \$300.  
For purposes of this section, items used to provide, equip, and  
maintain a household shall be limited to the following: cooking  
stove, refrigerator, freezer, freezer-refrigerator, clothes  
washer, clothes dryer, dishwasher, air conditioner, television,  
phonograph, tape recorder, stereo system, combination system  
(e.g., television-phonograph), kitchenware, all appliances, and  
cleaning and gardening equipment.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-211

**PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE** 42-211  
**RETAINED (Continued)**

**APSB**  
**AFDC**

- .232 The combined net market value of all household furnishings in excess of the combined net market value of \$1,500. For purposes of this section, this includes, but is not limited to, beds, chests, cabinets, couches, tables, chairs, desks, drapes, lamps, rugs, mirrors.
- .233 Permanently affixed items (e.g., built-in appliances and wall-to-wall carpeting) are considered real property and are not the subject of this section.
- .24 The total net market value of equipment and materials, including inventories, which are necessary to implement and continue an approved plan of employment, rehabilitation, or self-care necessary for employment if the net market value is over \$200.

.25 All other personal property including:

- .251 Mobile homes, campers, trailers and houseboats. If such item is assessed as real property or used as a family's only home, see Section 42-207.5 for determination of exemption.
- .252 Boats, musical instruments, power tools, and recreation equipment.
- .253 Cash burial reserves to the extent available or refundable of any type which have a cash value available to the applicant or recipient.
- .254 Lessee's interest in a lease of real property for a period of years unless the property is used as a home.
- .255 Farm equipment, livestock and fowl other than that retained for family consumption only.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE 42-211  
RETAINED (Continued)

APSB  
AFDC

.256 Interests in firms receivership, in undistributed estates, or in trust funds of which the applicant or recipient is a beneficiary, provided such property is available.

AFDC

*Interpretation - In cases in which a trust or savings fund is established for a child pursuant to a court order providing that such money be used only for and on behalf of such minor child and be withdrawn from the account only pursuant to an order of the court, the individual in control of the fund will be expected to petition the court for an appropriate order determining the availability of the fund for the support of the child. If the individual in control refuses to initiate such a petition and the fund coupled with other nonexempt personal property holdings, if any, exceeds the statutory limits, ineligibility will result, but only for the child or children for whom the fund is held in trust. If and during such time as the court refuses to issue an order making the fund available for the support of the child, the fund is not "available" and will not be counted as personal property.*

APSB  
AFDC

.257 Cash surrender value of life insurance on the life of the applicant or recipient and on the life of the spouse, or in AFDC on the life of the child or his parents provided it is available. (Subject to Section 42-213.226).

.258 Certain types of lump sum incomes (see Sections 42-209 and 44-111.4)

.259 Personal effects other than clothing, wedding and engagement rings, heirlooms, and prosthetic devices.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-211 **PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE 42-211**  
**RETAINED (Continued)**

APSB

AFDC

26 Any item listed in Section 42-211.2 which is owned (see Section 42-203) by an applicant or recipient is subject to the limits set forth in Section 42-207, unless specifically excluded in Section 42-213.2. Personal property owned by an applicant or recipient includes personal property which:

.261 secures any of his debts.

.262 is being purchased by him under a sales contract.

.263 is being sold by him under a sales contract, but no contract has actually been signed.

.264 is being held by him with retention of life estate.

.265 is held in trust for him and is available to him for disposition or use.

.266 is held for him in an undistributed estate and is available for his use prior to distribution.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY  
WHICH MAY BE RETAINED**

42-213

**.1 Real Property to be Excluded**

APSB

.11 The following are to be excluded in evaluating real property:

.111 The applicant's home.

.112 Real property owned by minor children of the applicant or recipient.

.113 Any property right which is not available for the applicant's use or expenditure or which is essential to land use.

.114 Separate property of a spouse.

APSB

AFDC

.12 An Indian's interest in land held in trust by the United States Government is excluded in evaluating real property which is subject to the monetary and/or assessed value limits as set forth in Section 42-207. However, to the extent that any such property is available to the applicant or recipient, it is subject to the utilization requirements in Section 42-217.

AFDC

.13 The following items are to be excluded in evaluating real property:

.131 Real property held in trust if the child or parent does not have control of the trust of which he is the beneficiary.

.132 The separate and community share of real property of a parent who has surrendered full custody of his child pursuant to a court order.

.133 The separate and community share of real property of a parent who has relinquished his child for adoption.

.134 The separate and community share of real property of the father of a child who is not married to the mother and the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is included whether or not the parents are maintaining a home together.

.135 The separate and community share of real property of a stepfather.

.136 Property purchased with funds received under Title I or Title II of the Economic Opportunity Act when such funds were excluded from consideration as income or resources. This exclusion does not extend to income or profits derived from such property.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-213

**PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY  
WHICH MAY BE RETAINED (Continued)**

42-213

APSBAFDC

**.2 Personal Property to be Excluded**

The following are excluded from consideration in personal property reserve limitations (See sections 42-207.3 and .6).

**.21 Applicable to Both Programs**

**.211** Funds held in escrow account if the escrow can be revoked only upon the consent of all parties involved.

**.212** Stock in a water company not appurtenant to the land in the amount necessary for agricultural purposes.

**.213** Loans not available for current need because of conditions imposed by the lender.

**.214** The following burial reserves when the total amount paid for all such items does not exceed \$1,000:

- a. Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (1) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

- (2) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-213

**PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213  
WHICH MAY BE RETAINED (Continued)**

APSBAFDC

- b. Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (1) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.
- (2) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

- c. Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 total payment limitation specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be the separate property of the person for whose use they are intended.

215 Federal Payments to Indians

- a. Payments received from the Federal Government under Public Law 90-507 shall be excluded from consideration as personal property when the total of nonexempt personal property, including such payments does not exceed \$2,000 for each individual adult or minor recipient.

When such payments are converted into other property, the property shall be treated the same as the payments. However, if the property received through such a conversion is again converted, the property (real or personal) acquired is subject to the limitations on property contained in Chapter 42-200.

- b. Payments received from the Federal Government under Public Law 92-254 shall be excluded from consideration.

216 Relocation Assistance Benefits

Relocation assistance benefits paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-213

**PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY  
WHICH MAY BE RETAINED (Continued)**

42-213

APSB.22 Applicable to APSB Only

.221 Any personal property used as a home.

.222 Personal property owned by minor children of an applicant or recipient including insurance policies on the lives of minor children.

.223 Proceeds from the conversion of property being retained for the purpose of buying a home, up to 18 months after initiation of a plan to purchase a home. (See Section 42-219.2.)

.224 Separate personal property of a spouse except when the spouse is also an applicant for or a recipient of public assistance. \_\_\_\_\_

.225 An educational scholarship, funds for a reader, or both.

.226 Cash surrender value of life insurance, provided:

The policy is on the life of the applicant or recipient

and

The policy has been in effect at least five years prior to the date of application for APSB

and

The maturity value does not exceed \$1,000.

.227 Cash or insurance to the extent of \$500 provided such cash or insurance has been placed irrevocably in trust for:

a. Interment plots, and

b. Funeral or interment expenses.

AFDC.23 Applicable to AFDC Only

.231 Any reasonable accumulations resulting from any exempt earned income of a child which is being saved for future education or training or for other future identifiable needs.

.232 The separate and community share of personal property of a parent who has surrendered full custody of his child pursuant to a court order.

.233 The personal property belonging to the absent parent and not available to the family if it is held by or in the name of the absent parent and the family does not have access to it to meet current needs.

.234 The separate and community share of personal property of a parent who has relinquished his child for adoption and the relinquishment has been filed with the State Department of Health.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-213

**PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY  
WHICH MAY BE RETAINED (Continued)**

42-213

AFDC

.235 The separate and community share of personal property of the father of the child who is not married to the mother if the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is subject to the same inclusions and exclusions as that of the father who is married to the mother.

.236 The separate and community share of personal property of the stepfather.

.237 The exclusive property of an ineligible child.

42-215 DETERMINING VALUE OF PROPERTY

42-215

AFDC  
APSB.1 Determination of Value of Real Property

The value of real property is determined by subtracting any allowable encumbrances against it from its county assessed value for determination of eligibility (Section 42-207.5), or from its market value for determination of utilization value (Section 42-217 and 42-221).

.11 Acceptable evidence of allowable encumbrances on real property are listed below:

- (a) Mortgages
- (b) Notes
- (c) Deeds of trust
- (d) Payment receipts
- (e) Loan payment books
- (f) Delinquent tax liens
- (g) Judgments items
- (h) Mechanics liens
- (i) Assessments
- (j) Unpaid balance on property

.12 Applicant and/or Spouse Not Sole Owners

If the applicant or the applicant and his spouse are not the sole owners of property, only his or their proportionate share is included in their respective holdings.

AFDC  
APSB

.13 In order to identify real property holdings of recipients, the county shall, at least, contact the local county assessor, recorder or tax collector.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

.2 Acceptable Evidence of Value of Real Property

APSB

- .21 The market value of real property shall be based on the assessed value on the most current tax statements from the county assessor, recorder or tax collector.

AFDC

.211 Use of Assessed Value to Determine Market Value

The market value shall be determined by multiplying by four (4) the assessed value.

- .22 Evidence of an allowable encumbrance shall be the written document which supports it. Evidence of unwritten encumbrances shall be the sworn statements of all parties, under penalty of perjury, to the following:

- .221 initial and maturity date;  
.222 extent of encumbrances; and  
.223 value received.

42-215 DETERMINATION OF VALUE OF PROPERTY (Continued)

42-215

APSB  
AFDC

.3 Determination of Value of Personal Property Other Than Motor Vehicles

- .31 The county is responsible to investigate all available evidence necessary to determine personal property values. (See Sections 40-107, 40-157, 40-161, 40-181). The net market value of the property is considered within the limitations specified in Section .6 below.

- .32 The following examples are acceptable evidence of the applicant's or recipient's cash and securities:

- (a) Bank books
- (b) Postal saving certificates
- (c) U. S. bonds
- (d) Purchase contracts
- (e) Payment books

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINATION OF VALUE OF PROPERTY (Continued)

42-215

AFDC  
APSB

.33 The following method shall be used to determine total personal property other than cash and securities and motor vehicles:

- a. Determine the net market value of personal property with an original purchase price to the applicant or recipient of \$100 or more by reducing the original purchase price (less sales tax, shipping, etc.) of the personal property by 20% of the original purchase price at the date of purchase and 20% of the remaining balance for each year thereafter up to six years (see depreciation schedule below) and then subtracting encumbrances. If the original purchase price is not available it may be estimated by the county.

Any item of personal property, other than cash and securities or motor vehicles, with an original purchase price to the applicant or recipient of less than \$100 shall not be considered in evaluating the personal property reserve, unless the county, the applicant or the recipient believes the item may now have a current appraised value in excess of \$100.

- .b If the county believes that the method prescribed in Section 42-215.33a does not result in an accurate evaluation of the item (some items such as livestock, antiques, etc. may appreciate in value) the county may substitute an appraised amount determined by a county-designated property valuation specialist.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINATION OF VALUE OF PROPERTY (Continued)

42-215

AFDC  
APSB

If the applicant or recipient does not agree with the value arrived at in Section 42-215.33a or the amount determined by the county-designated property valuation specialist, the applicant or recipient may submit three appraisals by dealers in the type of property being evaluated, insurance adjustors, or personal property appraisers. The average of these independent appraisals will be used by the county in evaluating the property.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-215

**DETERMINATION OF VALUE OF PROPERTY (Continued)**

42-215

Market Value -

APSB .33 c

20% PER ANNUM DEPRECIATION SCHEDULE BASED ON DECLINING BALANCE

AFDC

The figures in the table indicate the market value of the property at the given age.

Original Purchase Price	AGE OF ITEM						Original Purchase Price	AGE OF ITEM					
	Less than 1 yr	1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - Over 6 yrs		Less than 1 yr	1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - Over 6 yrs
1	\$ .80	\$ .76	\$ .51	\$ .41	\$ .33	\$ .26	\$ .51	\$40.80	\$32.64	\$26.01	\$20.91	\$16.83	\$13.26
2	1.60	1.28	1.02	.82	.66	.52	52	41.60	33.28	26.52	21.32	17.16	13.52
3	2.40	1.92	1.53	1.23	.99	.78	53	42.40	33.92	27.03	21.73	17.49	13.78
4	3.20	2.56	2.04	1.64	1.32	1.04	54	43.20	34.56	27.54	22.14	17.82	14.04
5	4.00	3.20	2.55	2.05	1.65	1.30	55	44.00	35.20	28.05	22.55	18.15	14.30
6	4.80	3.84	3.06	2.46	1.98	1.56	56	44.80	35.84	28.56	22.96	18.48	14.56
7	5.60	4.48	3.57	2.87	2.31	1.82	57	45.60	36.48	29.07	23.37	18.81	14.82
8	6.40	5.12	4.08	3.28	2.64	2.08	58	46.40	37.12	29.58	23.78	19.14	15.08
9	7.20	5.76	4.59	3.69	2.97	2.34	59	47.20	37.76	30.09	24.19	19.47	15.34
10	8.00	6.40	5.10	4.10	3.30	2.60	60	48.00	38.40	30.60	24.60	19.80	15.60
11	8.80	7.04	5.61	4.51	3.63	2.86	61	48.80	39.04	31.11	25.01	20.13	15.86
12	9.60	7.68	6.12	4.92	3.96	3.12	62	49.60	39.68	31.62	25.42	20.46	16.12
13	10.40	8.32	6.63	5.33	4.29	3.38	63	50.40	40.32	32.13	25.83	20.79	16.38
14	11.20	8.96	7.14	5.74	4.62	3.64	64	51.20	40.96	32.64	26.24	21.12	16.64
15	12.00	9.60	7.65	6.15	4.95	3.90	65	52.00	41.60	33.15	26.65	21.45	16.90
16	12.80	10.24	8.16	6.56	5.28	4.16	66	52.80	42.24	33.66	27.06	21.78	17.16
17	13.60	10.88	8.67	6.97	5.61	4.42	67	53.60	42.88	34.17	27.47	22.11	17.42
18	14.40	11.52	9.18	7.38	5.94	4.68	68	54.40	43.52	34.68	27.88	22.44	17.68
19	15.20	12.16	9.69	7.79	6.27	4.94	69	55.20	44.16	35.19	28.29	22.77	17.94
20	16.00	12.80	10.20	8.20	6.60	5.20	70	56.00	44.80	35.70	28.70	23.10	18.20
21	16.80	13.44	10.71	8.61	6.93	5.46	71	56.80	45.44	36.21	29.11	23.43	18.46
22	17.60	14.08	11.22	9.02	7.26	5.72	72	57.60	46.08	36.72	29.52	23.76	18.72
23	18.40	14.72	11.73	9.43	7.59	5.98	73	58.40	46.72	37.23	30.03	24.09	18.98
24	19.20	15.36	12.24	9.84	7.92	6.24	74	59.20	47.36	37.74	30.54	24.42	19.24
25	20.00	16.00	12.75	10.25	8.25	6.50	75	60.00	48.00	38.25	31.05	24.75	19.50
26	20.80	16.64	13.26	10.66	8.58	6.76	76	60.80	48.64	38.76	31.56	25.08	19.76
27	21.60	17.28	13.77	11.07	8.91	7.02	77	61.60	49.28	39.27	32.07	25.41	20.02
28	22.40	17.92	14.28	11.48	9.24	7.28	78	62.40	49.92	39.78	32.58	25.74	20.28
29	23.20	18.56	14.79	11.89	9.57	7.54	79	63.20	50.56	40.29	33.09	26.07	20.54
30	24.00	19.20	15.30	12.30	9.90	7.80	80	64.00	51.20	40.80	33.60	26.40	20.80
31	24.80	19.84	15.81	12.71	10.23	8.06	81	64.80	51.84	41.31	34.11	26.73	21.06
32	25.60	20.48	16.32	13.12	10.56	8.32	82	65.60	52.48	41.82	34.62	27.06	21.32
33	26.40	21.12	16.83	13.53	10.89	8.58	83	66.40	53.12	42.33	35.13	27.39	21.58
34	27.20	21.76	17.34	13.94	11.22	8.84	84	67.20	53.76	42.84	35.64	27.72	21.84
35	28.00	22.40	17.85	14.35	11.55	9.10	85	68.00	54.40	43.35	36.15	28.05	22.10
36	28.80	23.04	18.36	14.76	11.88	9.36	86	68.80	55.04	43.86	36.66	28.38	22.36
37	29.60	23.68	18.87	15.17	12.21	9.62	87	69.60	55.68	44.37	37.17	28.71	22.62
38	30.40	24.32	19.38	15.58	12.54	9.88	88	70.40	56.32	44.88	37.68	29.04	22.88
39	31.20	24.96	19.89	15.99	12.87	10.14	89	71.20	56.96	45.39	38.19	29.37	23.14
40	32.00	25.60	20.40	16.40	13.20	10.40	90	72.00	57.60	45.90	38.70	29.70	23.40
41	32.80	26.24	20.91	16.81	13.53	10.66	91	72.80	58.24	46.41	39.21	30.03	23.66
42	33.60	26.88	21.42	17.22	13.86	10.92	92	73.60	58.88	46.92	39.72	30.36	23.92
43	34.40	27.52	21.93	17.63	14.19	11.18	93	74.40	59.52	47.43	40.23	30.69	24.18
44	35.20	28.16	22.44	18.04	14.52	11.44	94	75.20	60.16	47.94	40.74	31.02	24.44
45	36.00	28.80	22.95	18.45	14.85	11.70	95	76.00	60.80	48.45	41.25	31.35	24.70
46	36.80	29.44	23.46	18.86	15.18	11.96	96	76.80	61.44	48.96	41.76	31.68	24.96
47	37.60	30.08	23.97	19.27	15.51	12.22	97	77.60	62.08	49.47	42.27	32.01	25.22
48	38.40	30.72	24.48	19.68	15.84	12.48	98	78.40	62.72	49.98	42.78	32.34	25.48
49	39.20	31.36	24.99	20.09	16.17	12.74	99	79.20	63.36	50.49	43.29	32.67	25.74
50	40.00	32.00	25.50	20.50	16.50	13.00	100	80.00	64.00	51.00	43.80	33.00	26.00

DO NOT WRITE IN THIS SPACE

Original Purchase Price	AGE OF ITEM					
	Less than 1 yr	1 yr - 2 yrs	2 yrs - 3 yrs	3 yrs - 4 yrs	4 yrs - 5 yrs	5 yrs - Over 6 yrs

\$ 200	\$160.00	\$128.00	\$102.00	\$ 82.00	\$ 66.00	\$ 52.00
300	240.00	192.00	153.00	123.00	99.00	78.00
400	320.00	256.00	204.00	164.00	132.00	104.00
500	400.00	320.00	255.00	205.00	165.00	130.00
600	480.00	384.00	306.00	246.00	198.00	156.00
700	560.00	448.00	357.00	287.00	231.00	182.00
800	640.00	512.00	408.00	328.00	264.00	208.00
900	720.00	576.00	459.00	369.00	297.00	234.00
1000	800.00	640.00	510.00	410.00	330.00	260.00

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINATION OF VALUE OF PROPERTY (Continued)

42-215

AFDC  
APSB

- .33 (d) For items with an original purchase price exceeding \$100 the current market value is determined from the above table by adding the market values in the appropriate age column of a \$100 item (\$200, \$300, etc.) and the excess over \$100 (\$200, \$300, etc.)

Example: The current market value of an item with an original purchase price of \$225 eighteen months ago is \$144, i.e., \$200 at 18 months = \$128; \$25 at 18 months = \$16; \$128 + \$16 = \$144.

- .34 Acceptable evidence of the amount of encumbrance on personal property shall be any of the following:

- (a) Notes
- (b) Payment receipts showing the unpaid balance
- (c) Loan payment books
- (d) Sales contracts
- (e) Any documented form on which amounts can be verified by contacting the agency.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

AFDC  
APSB

.4 Determination of Value of a Motor Vehicle

The market value of a motor vehicle is determined by multiplying the annual license fee (which does not include registration or weight fees) by 50. To determine the net market value, deduct from the market value any encumbrances upon the motor vehicle, as described in .6 below.

Should the license fee be unknown, unavailable or not current, the county shall establish the value by contacting the Department of Motor Vehicles and ascertaining what the license fee would be if the vehicle were currently registered.

If the county believes that the method prescribed in the first paragraph of .4 above does not result in accurate evaluation of the motor vehicle, the county may substitute an appraised amount determined by a county-designated property valuation specialist.

If the applicant or recipient does not agree with the value arrived at in the first paragraph of .4 above or the amount determined by the county-designated property valuation specialist, the applicant or the recipient may submit three appraisals by auto dealers, insurance adjustors or personal property appraisers. The average of these independent appraisals will be used by the county in evaluating the motor vehicle.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

AFDC  
APSB

.5 Acceptable Evidence of Value of a Motor Vehicle

.51 The applicant's or recipient's current DMV registration card for each motor vehicle owned by him is acceptable evidence of the value.

.52 Acceptable evidence of the amount of encumbrances will be the same as that listed in .34 above.

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

APSB

.6 Encumbrances

Encumbrances of record against any personal property are obligations for which the property is security and include, but are not limited to, the following:

AFDC

.61 Loans

.62 Attachments for debts or taxes

.63 Chattel mortgages and liens

.64 The unpaid balance on the purchase price of property purchased under a conditional sales contract

.65 The amount paid on the principal for property sold under a conditional sales contract

.66 Funeral and last expenses of a deceased person when all or a portion of the personal property received from the death of such person is to be used to defray such expenses.


DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

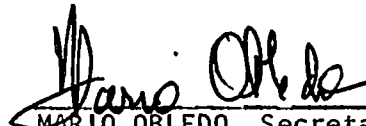
Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to these regulations because there are savings as well as costs in these regulations which in the aggregate, do not result in significant cost changes.

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 5 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
v. Code 11380.2)

MAY 5 1975

Office of Administrative Hearings

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Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated:

April 21, 1975

By:

*[Signature]*

Acting Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

MAY 5 - 1975

At 10:10 o'clock a.m.

MARCH FONG EU, Secretary of State

*[Signature]*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section 63-3200

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

63-3200

State of California  
Health and Welfare Agency

Department of Benefit Payments  
January 1, 1975

Table 2

**FOOD STAMP PROGRAM  
THREE QUARTER-MONTHLY  
COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME)**

Household Size	1	2	3	4	5
Coupon Allotment	\$35	\$63	\$92	\$116	\$137
Adjusted Monthly Net Income	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase
\$ 0- 19.99	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
20- 29.99	0.75	0.75	0.00	0.00	0.00
30- 39.99	3.00	3.00	3.00	3.00	3.75
40- 49.99	4.50	5.25	5.25	5.25	6.00
50- 59.99	6.00	7.50	7.50	7.50	8.25
60- 69.99	7.50	9.00	9.75	9.75	10.50
70- 79.99	9.00	11.25	12.00	12.00	12.75
80- 89.99	10.50	13.50	14.25	14.25	15.00
90- 99.99	12.00	15.75	15.75	16.50	17.25
100- 109.99	13.50	17.25	18.00	18.75	19.50
110- 119.99	15.75	19.50	20.25	21.00	21.75
120- 129.99	18.00	21.75	22.50	23.25	24.75
130- 139.99	20.25	24.00	24.75	25.50	27.00
140- 149.99	22.50	26.25	27.00	27.75	29.25
150- 169.99	24.75	28.50	30.00	30.75	31.50
170- 189.99	27.00	33.00	34.50	35.25	36.00
190- 209.99	1/	37.50	39.00	39.75	40.50
210- 229.99		42.00	43.50	44.25	45.00
230- 249.99		46.50	48.00	48.75	49.50
250- 269.99		48.00	52.50	53.25	54.00
270- 289.99		1/	57.00	57.75	58.50
290- 309.99			61.50	62.25	63.00
310- 329.99			66.00	66.75	67.50
330- 359.99			70.50	71.25	72.00
360- 389.99			75.00	78.00	78.75
390- 419.99			78.00	84.75	85.50
420- 449.99			1/	91.50	92.25
450- 479.99				97.50	99.00
480- 509.99				97.50	105.75
510- 539.99				1/	112.50
540- 569.99					115.50
570- 599.99					115.50
600- 629.99					1/

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Maximum Allowable Adjusted Monthly Net Income										
Household Size	1	2	3	4	5	6	7	8	9	10*
Adjusted Monthly Net Income	\$194	280	406	513	606	700	793	886	959	1,032

\*For Each Additional Person in Excess of 10 Add \$73.

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

State of California  
 Health and Welfare Agency

Department of Benefit Payments

January 1, 1975

Table 2

## FOOD STAMP PROGRAM

## Three Quarter-Monthly

## COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME)

Household Size	6	7	8	9	10
Coupon Allotment	\$158	\$179	\$200	\$216	\$233
Adjusted Monthly Net Income	Three Quarter- Monthly Purchase	Three Quarter- Monthly Purchase	Three Quarter- Monthly Purchase	Three Quarter- Monthly Purchase	Three Quarter- Monthly Purchase
\$ 0- 19.99	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
20- 29.99	0.00	0.00	0.00	0.00	0.00
30- 39.99	3.75	3.75	3.75	3.75	3.75
40- 49.99	6.00	6.00	6.00	6.00	6.00
50- 59.99	8.25	9.00	9.00	9.00	9.00
60- 69.99	10.50	11.25	12.00	12.00	12.00
70- 79.99	12.75	13.50	14.25	14.25	14.25
80- 89.99	15.75	15.75	16.50	16.50	16.50
90- 99.99	18.00	18.75	19.50	19.50	19.50
100- 109.99	20.25	21.00	21.75	21.75	21.75
110- 119.99	23.25	24.00	24.75	24.75	24.75
120- 129.99	25.50	26.25	27.00	27.00	27.00
130- 139.99	27.75	28.50	29.25	29.25	29.25
140- 149.99	30.00	30.75	31.50	31.50	31.50
150- 169.99	32.25	33.00	33.75	33.75	33.75
170- 189.99	36.75	37.50	38.25	38.25	38.25
190- 209.99	41.25	42.00	42.75	42.75	42.75
210- 229.99	45.75	46.50	47.25	47.25	47.25
230- 249.99	50.25	51.00	51.75	51.75	51.75
250- 269.99	54.75	55.50	56.25	56.25	56.25
270- 289.99	59.25	60.00	60.75	60.75	60.75
290- 309.99	63.75	64.50	65.25	65.25	65.25
310- 329.99	68.25	69.00	69.75	69.75	69.75
330- 359.99	72.75	73.50	74.25	74.25	74.25
360- 389.99	79.50	80.25	81.00	81.00	81.00
390- 419.99	86.25	87.00	87.75	87.75	87.75
420- 449.99	93.00	93.75	94.50	94.50	94.50
450- 479.99	99.75	100.50	101.25	101.25	101.25
480- 509.99	106.50	107.25	108.00	108.00	108.00
510- 539.99	113.25	114.00	114.75	114.75	114.75
540- 569.99	120.00	120.75	121.50	121.50	121.50
570- 599.99	126.75	127.50	128.25	128.25	128.25
600- 629.99	133.50	134.25	135.00	135.00	135.00
630- 659.99	133.50	141.00	141.75	141.75	141.75
660- 689.99	133.50	147.75	148.50	148.50	148.50
690- 719.99	1/	151.50	155.25	155.25	155.25
720- 749.99		151.50	162.00	162.00	162.00
750- 779.99		151.50	168.75	168.75	168.75
780- 809.99		151.50	169.50	175.50	175.50
810- 839.99		1/	169.50	182.25	182.25
840- 869.99			169.50	183.00	189.00
870- 899.99			1/	183.00	195.75
900- 929.99				183.00	196.50
930- 959.99				183.00	196.50
960- 989.99				1/	196.50
990- 1019.99					196.50
1020- 1049.99					196.50
1050- 1079.99					1/

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

63-3200

For Issuance to households of more than 20 persons use the following formula:

A. Value of the Total Allotment. For each person in excess of 20, add \$22 to the monthly coupon allotment and \$11 to the semimonthly allotment for a 20-person household. For all three-quarter monthly and quarter monthly allotments of uneven dollar amounts, round up to the next higher whole dollar amount with no change in purchase requirements for such allotments.

B. Purchase Requirement.

1. Use the purchase requirement shown for the 20-person household for households with incomes of \$1,499.99 or less per month.

2. For households with monthly incomes of \$1,500 or more, use the following formula:

For each \$30 worth of monthly income (or portion thereof) over \$1,499.99, add \$9 to the monthly purchase requirement shown for a 20-person household with an income of \$1,499.99 (or \$6.75 to the three-quarter monthly, \$4.50 to the semi-monthly purchase requirement, and \$2.25 to the quarterly purchase requirement).

3. To obtain the maximum purchase requirement for households of more than 20 persons, add to the maximum purchase requirement shown for a 20-person household, \$18 monthly; \$13.50 three-quarter monthly; \$9 semimonthly; and \$4.50 quarterly for each person over 20.

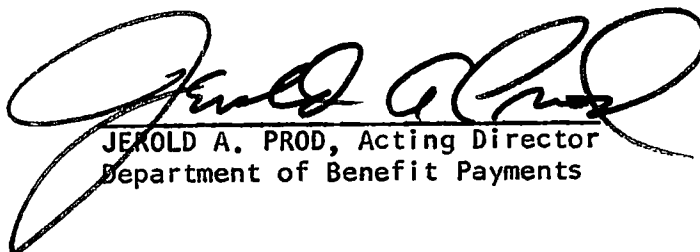
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

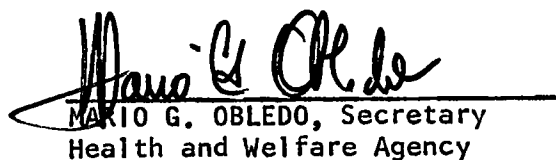
This regulation contains no mandate for a new program or increased level of service of an existing program within the meaning of Section 2231(d) of the Revenue and Taxation Code.

Approved:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved:



MARIO G. OBLEDO, Secretary  
Health and Welfare Agency

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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MAY 6 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
w. Code 11380.2)

MAY 6 1975

Office of Administrative Hearings

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Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: April 21, 1975

By: 

Acting Director

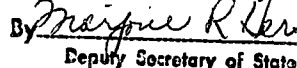
(Title)

**FILED**In the office of the Secretary of State  
of the State of California

MAY 6 - 1975

At 2:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By:   
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt: Section 46-337

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Congress, by enacting Public Law 93-368 has provided for reimbursement to the State (or a political sub-division thereof) for any state or local funds paid to SSI/SSP applicants to meet basic needs prior to determination of their eligibility.
2. An agreement between the Secretary of Health, Education and Welfare and the California State Department of Benefit Payments has been executed to implement P.L. 93-368 and provides for voluntary participation by the counties.
3. Federal law (Section 1631(a)(4)(A)) provides for only one emergency payment of \$100.00 maximum for applicants for SSI/SSP benefits who are in immediate need even though determination of eligibility may not be made for as much as sixty to ninety days.
4. In order to encourage the counties to provide local funds to SSI/SSP applicants prior to determination of eligibility and thus alleviate the hardship suffered by many applicants because of the inadequate provisions of Federal law, it is necessary to adopt these regulations on an emergency basis.

The regulations set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT

46-337

.1 General Statement

Public Law 93-368 provides for reimbursement to the State (or a political sub-division thereof) for interim assistance payments made to SSI/SSP applicants whose applications are subsequently approved for SSI/SSP benefits. Individual authorizations must be signed by the applicants or their representatives and forwarded to the local SSA office. Reimbursement will be effected by means of an agreement between the Department of Health, Education and Welfare and the State of California. This agreement is to be administered by those counties which choose to participate.

.2 Definitions

For purposes of these regulations

- .21 Agreement means the contract between HEW and the State which outlines the terms under which reimbursement may be made.
- .22 Applicant means an individual or the representative of such individual who has applied for SSI/SSP benefits and who cannot meet his basic needs in the period between the application and receipt of his benefits upon determination of eligibility.
- .23 Individual Authorization is the form which is to be signed by the individual applicant to or for whom interim assistance is paid, authorizing payment of the initial SSI/SSP check to the county or state.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.24 Interim Assistance means any assistance from state or county funds furnished to meet basic needs during the period for which such individual was eligible for SSI/SSP benefits, beginning with the month of application and ending with the receipt of the initial payment.

.25 Initial Payment means the amount of SSI/SSP benefits determined to be payable to an eligible individual (including retroactive amounts, if any) at the time such individual is first determined to be eligible, but does not include any advance emergency payment made by SSA.

.3 Responsibility of State

The State shall:

.31 Conduct all negotiations with HEW.

.32 Prepare and enter into a contract between State and county to implement the interim assistance program.

.33 Take appropriate administrative actions to insure that participating counties carry out the provisions in the contracts. Failure to follow such provisions as stated in 46-337.4 below shall result in removal from the list of participating counties. If in each of three consecutive months a county fails in more than five percent (5%) of its interim assistance cases to comply with the ten-day processing requirement of 46-337.62, such failure shall be deemed to be a failure to follow these regulations and the county shall be removed from the list of participating counties.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.4 Responsibility of County

Participation in the program to receive reimbursement for interim assistance shall be the option of the county. All counties which choose to participate shall:

.41 Implement the interim assistance program in compliance with the terms of the contract between the state and the county.

.42 Draft and implement procedures for carrying out the provisions of these regulations.

.43 Obtain individual authorizations from applicants for SSI/SSP to whom interim assistance is paid from county funds. The authorization shall be forwarded to the local SSA District Office.

.44 Comply with the reporting requirements as outlined in the Fiscal Manual (see 25-700).

.45 Maintain adequate records of all transactions relating to interim assistance made and the apportionment of the individual's initial payment.

.5 Eligibility for Reimbursement

.51 Interim assistance paid to an individual applying for SSI/SSP will be reimbursed for the period beginning with the month of application and ending with receipt of the initial SSI/SSP payment. Monies paid from state or county funds will not be reimbursed if the applicant is determined to be ineligible for SSI/SSP benefits.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.52 Reimbursement will be made for interim assistance paid effective the first of the month in which the authorization was signed, but in no event earlier than the first of the month for which the applicant was determined eligible for SSI/SSP benefits. However, if the applicant signs the individual authorization, the county may be reimbursed from the initial payment for interim assistance paid from the date of initial SSI/SSP eligibility, but in no event may the state and county be reimbursed for payments made prior to January 1, 1974.

.521 Reimbursement will not be made for interim assistance paid when the authorization was signed subsequent to the issuance of the initial payment to the applicant.

.6 Procedure

In no event are procedures to be implemented prior to signing of the contract between the state and the county.

.61 Referrals may be made by the SSA District Office to the CWD, or from the CWD to the SSA District Office.

.611 A referral from the SSA District Office shall show the date of application and whether or not an emergency payment has been made.

.62 Upon receipt of an initial SSI/SSP payment by the State or county, the amount of interim assistance shall be deducted and the remainder shall be sent to the recipient as expeditiously as possible but in any event no later than ten (10) working days after receipt of the initial payment by the State or county.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.621 If, by the tenth working day from the day of receipt of an initial payment the State or county has not determined the amount of interim assistance for which reimbursement can be claimed, or for any other reason has failed to forward the remittance to the recipient, the state or county agency which received the initial payment shall send to the recipient the full amount of the initial payment.

.622 The remittance to the recipient shall be accompanied by a notice showing the amount received by the State or county, the amount deducted as reimbursement for interim assistance and the amount being sent to the recipient. The notice shall include the right of the recipient to request a fair hearing.

.623 When an individual dies after completing an individual authorization form but before receiving the explanation and remittance referred to above, the agency shall within the prescribed time limit, provide such explanation and pay the balance due the recipient to the local SSA District Office rather than to the recipient or anyone else on his behalf. Such payment shall be sent by registered mail and a return receipt requested.

.7 Reporting

Each county shall submit to DBP no later than twenty calendar days after the last working day of the previous month, a report, on form # ABD 214 provided by DBP, showing for such month the total amount of interim assistance paid, and the processing time for forwarding the remittance to recipients.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.8 Fair Hearing

Fair hearings requested by the recipient shall follow the procedures as set forth in Division 22 of the Manual of Policies and Procedures.

.81 Fair hearings shall be conducted by DBP only when the issue is

(a) the apportionment of the initial payment received by the State or county or (b) that the State or county has failed to comply with the requirements of 46-337.621. An appeal based on the amount of initial payment shall be directed to SSA.

.9 Confidentiality

.91 Procedures for maintaining confidentiality of general assistance payments shall comply with the regulations of the individual county.

.92 All information concerning SSI/SSP applicants'/ recipients' identity and amount of grant shall be confidential.

.921 Confidentiality shall be maintained unless the written consent of the applicant/recipient has been obtained, except

.922 The information may be shared with government agencies concerned with the administration of the programs when it is necessary for such administration.

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(Pursuant to Government Code Section 11380.1)

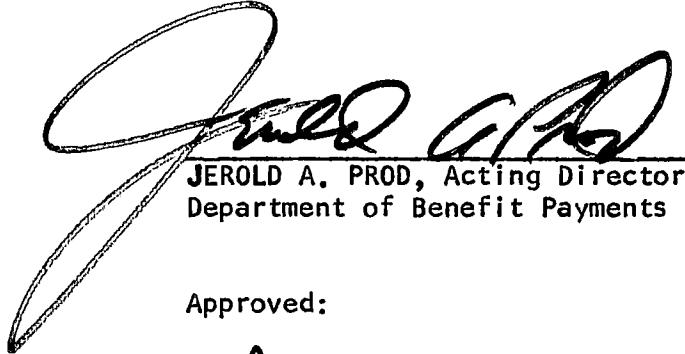
46-337 INTERIM ASSISTANCE REIMBURSEMENT (Continued)

46-337

.10 No administrative costs incurred by the county in implementing this  
program will be reimbursed by the state or the federal government  
(see 25-500).

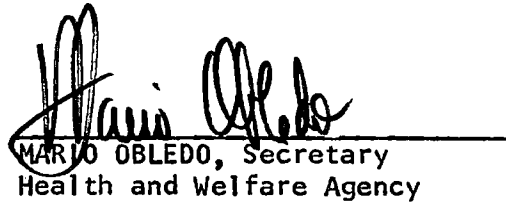
This regulation contains no mandate for a new program or increased level of service of an existing program within the meaning of Section 2231(d) of the Revenue and Taxation Code since participation by the counties is voluntary.

Approved:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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MAY 6 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

MAY 6 1975

Office of Administrative Hearings

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Copy below is hereby certified to be a true  
 and correct copy of regulations adopted, or  
 amended, or an order of repeal by:

Benefit Payments

(Agency)

Dated: April 1, 1975

By: 

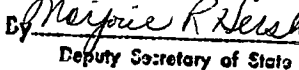
Acting Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of CaliforniaMAY 6 - 1975 <sup>7m</sup>

At 2:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By   
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Section 44-133.6

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .6 Income Received by the County, From an Absent Parent on Behalf of a Child

- .61 Payments for child support for children receiving public assistance, when collected by a county official or agency from an absent parent and forwarded to the county welfare department, shall be used for the support of the child(ren). The county shall inform the family in writing of support provided by the absent parent and the disposition of the payment with respect to the AFDC budget.
- .62 All payments for child support received directly by the county welfare department, transmitted to the county welfare department, or deposited to the account of the county welfare department by a public official or agency, whether by court order or voluntary agreement, shall be treated as follows:
- .621 The payment shall first be applied against the total aid paid (excluding any amount paid for special needs) to the Family Budget Unit for the calendar month following the month during which it was received by the county welfare department.
- .622 When the absent parent support payment plus the family's other income from the budget period being computed for / the month to which the payment is applied exceeds the Maximum Aid amount for the family but is not more than Minimum Basic Standard of Adequate Care (MBSAC), the amount in excess of Maximum Aid is first applied to any special need paid by the county and any balance is forwarded to the family as income exempted from further consideration in the grant computation pursuant to the provisions for zero basic grants (see Section 44-315.413).

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

- .623 When the absent parent support payment plus the family's other income exceeds MBSAC, the amount in excess of Maximum Aid is first applied to any special need paid by the county, any balance up to and including the MBSAC is forwarded to the family, and the amount in excess of MBSAC shall be considered a reimbursement for prior aid in the nearest preceding month(s) beginning with the month of receipt up to the amount of prior aid which is unabated. If there is no prior aid unabated, the balance shall be held and applied against future aid, or, if the case is discontinued, the balance shall be forwarded to the family.
- .624 When the absent parent contributes an amount which when added to the family's other income brings the total to equal or exceed the MBSAC for the family and the county determines these payments will continue for more than one month so that the family will not be financially eligible, aid is discontinued effective the end of the month in which the determination is made and required notice can be given.
- .625 Any payments specifically designated for past child support received after aid has been discontinued shall be considered reimbursement for past aid granted in the nearest preceding month(s).
- .626 Any payment for current child support received after aid has been discontinued shall be released to the family.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .627 A payment for a child in foster care shall be applied to the payment made to the boarding home for the month following the month in which the money is received by the county welfare department. Any balance shall be considered as a reimbursement for past aid granted in the nearest preceding month(s) beginning with the month of receipt.


.63 If, because of special circumstances, an absent parent wishes to make a lump-sum payment to cover future months, the amount paid shall be applied to future months in installments as designated by court order, prior agreement, or in the absence of such designation, as specified by the contributor, provided that the amount specified by the contributor meets or exceeds his support liability as established by the county.

DO NOT WRITE IN THIS SPACE

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements a mandate previously enacted by statute (Chapter 146, Statutes of 1972).



JEROLD A. PROD, Acting Director  
Department of Benefit Payments



MARIO OBLEDO, Secretary  
Health and Welfare Agency

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 29 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

MAY 29 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Benefit Payments

(Agency)

Dated: May 6, 1975

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 29 1975

At 2:50 o'clock P. M.

MARCH FONG EU, Secretary of State

By: *Maipie R. Hershberger*  
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections 40-189.2

40-191

40-193

40-195

40-197

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued)**

40-189

AFDC  
APSB

**.2 Initiation of Intercounty Transfer**

Intercounty transfer is initiated immediately:

.21 When a recipient (child in AFDC) moves from one county to another to "make his home."

AFDC

.22 When responsibility for a child who has been placed in a boarding home or institution by a public or private agency is transferred from an agency in one county to an agency in another county.

.23 When responsibility of a public or private agency for a child is terminated and the child is making his home in another county.

**40-191 DISCONTINUANCE DURING TRANSFER PERIOD**

40-191

AFDC  
APSB

**.1 County Responsibility**

Responsibility of the first county ceases when payment of aid is discontinued for cause during the transfer period, except as follows:

.11 The first county restores aid and continues payment for the balance of the transfer period when:

.111 Aid is discontinued as a grant offset for overpayment and the repayment due will be offset prior to the expiration of the transfer period. (If the repayment due by means of offset will not be completed until the expiration of the transfer period or thereafter, the intercounty transfer is cancelled, aid is not granted by the second or third county prior to the completion of the offset initiated by the first county.)

.112 Aid is discontinued inadvertently or without cause.

**40-193 GRANT REDUCED TO "O" DURING TRANSFER PERIOD**

40-193

AFDC  
APSB

When the grant authorization is reduced to "O" to adjust overpayment in the adjustment period (see section regarding Adjustment Period) and the normal effective date for increasing the authorization and resuming payment is prior to the expiration of the transfer period, the first county completes the adjustment and continues payment for the balance of the transfer period. (If the adjustment cannot be completed by the first county prior to the expiration of the transfer period, the second county is notified and the adjustment completed by the second county.)

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-195      TRANSFER PROCEDURE

**AFDC** | 1 Transfer of Records  
**APSB**

At the time the transfer is initiated or within two weeks thereafter, the first county shall provide the second county with copies of the most recent WR 1, the most recent WR 2, the WR 7's from the prior two months, information regarding reserve available for supplementation pursuant to EAS 44-315.8, other pertinent information, and all documents supporting eligibility determination as made by the first county. Copies of Form ABCDM 200 and the most recent Form 201 shall be provided where currently being utilized by the county in the APSB Program. The second (or third) county shall accept the determination of eligibility as made by the first county as provided in Section 40-159.1 and shall limit its determination of eligibility to circumstances which may have changed, or to new information not consistent with prior case data.

**AFDC** | 2 Steps Required to Accomplish Transfer  
**APSB**

When responsibility for the determination of the eligibility and aid payment is to be transferred from one county to another, the procedure is as follows:

.21 First County

- .211 Notify the second county of the recipient's removal to that county by Form ABCDM 215. Send two copies with Section A completed and accompanied by: (a) information regarding the recipient's removal to the second county to make his home and (b) such additional information and/or documents as are needed to determine continuing eligibility and the amount of the grant including a copy of the most recent authorization document.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-195 TRANSFER PROCEDURE (Continued)

40-195

AFDC  
APSB

.212 With the ABCDM 215, or within two weeks after this form is sent, supply the second county with the following additional material:

- a. Copies of other pertinent documents, i.e., certified or photo-static copies of the most recent Form WR 1, WR 2,  
the WR 7 from the prior two months, and other documents supporting the eligibility determination. \_\_\_\_\_

APSB    b. Copies of Form ABCDM 200 and the most recent Form 201 shall be provided if utilized in the APSB program.

AFDC  
APSB

- c. A summary of pertinent medical and social information including a statement of services needed by the recipient and services currently being given the recipient by the first county and a copy of the social assessment if one has been completed.
- d. When the recipient has received aid previously from the second or third county, copies of documents or material already in the possession of such second or third county, or documents which are not needed to substantiate current and continuing eligibility would not be duplicated and sent to them again.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-195 TRANSFER PROCEDURE (Continued)

40-195

AFDC  
APSB

.213 If the recipient moves to a third county to make his home before expiration of the transfer period, the first county shall:

- a. Cancel the transfer agreement with the second county and initiate transfer proceedings with the third county by use of Form ABCDM 215.
- b. Request the second county to forward to the third county all information and documents supplied by the first county and any additional information secured by the second county.

AFDC  
APSB

**.22 Second County**

.221 Determine that the recipient is making his home in that county.

.222 Review all factors of eligibility that may have changed and provide the first county with any information which might affect eligibility or the amount of the grant during the transfer period.

.223 Complete Section "B" of the Form ABCDM 215 and return one copy to the first county.

.224 Complete any necessary additional eligibility determination and, if the recipient is eligible, authorize aid to be effective on the transfer date. (See Section 40-159 and W&IC 11053 regarding acceptance of eligibility determination of first county.)

.225 At the request of the first county, promptly forward pertinent information and documents to a third county.

**.23 Third County**

Proceed with transfer arrangements with the first county in the same manner as specified for the second county.

DO NOT WRITE IN THIS SPACE

40-197 DISPUTE REGARDING COUNTY RESPONSIBILITY

40-197

AFDC  
APSB

**.1 Referring Dispute to State Department of Benefit Payments**

When a county wishes to refer a dispute to the State Department of Benefit Payments, Form DPA 6 Appeals as to Responsibility for Support, signed by the director of the county is sent in triplicate to the SDBP. The county also sends copies of documents, correspondence, etc., which are pertinent to a determination of county responsibility and a summary of its contention in the dispute. When responsibility for payment is found to be in a county other than that paying aid, intercounty transfer shall be initiated. SDBP will make any claim adjustments which are indicated based on a determination of county responsibility pursuant to W&IC 10806.

**.2 Grant of Services During Dispute Period**

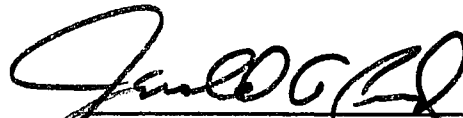
In the event of a dispute payment of aid or provision of medical assistance, to an otherwise eligible applicant or recipient, shall be provided by the county to which application is made or shall be continued by the county currently paying aid. Such payment shall continue pending the determination of the dispute and shall be subject to the claim adjustments provided in Section 40-197.1 above.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

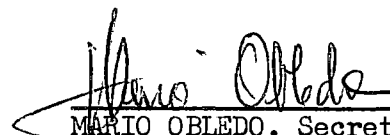
There are no state mandated local costs in these regulations as they require no new program or increased level of service of an existing program.

Approved by:



GERALD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 29 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR  
Code 11381

MAY 29 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: May 27, 1975

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 29 1975

At 2:50 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Margie R. Bushberger*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on July 1, 1975, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amended Sections: 42-303  
44-115.81  
44-115.82  
44-115.83  
44-115-84  
44-212.2  
44-315.411  
44-315.422

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-303 AFDC REQUIREMENTS**

42-303

**AFDC** An applicant or recipient is financially eligible during any month in which his gross income minus the exemptions and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

Number of Persons Within the FBU	Basic Standard of Adequate Care
1	\$155
2	260
3	316
4	389
5	449
6	506
7	556
8	615
9	673
10	731

Plus six dollars (\$6) for each additional person within the FBU.

**44-115 EVALUATION OF INCOME IN KIND (Continued)**

44-115

**.81 Housing**

- a. one-person FBU - \$68/per month
- b. two-person FBU - \$92/per month
- c. three-person FBU - \$100/per month
- d. four-person or larger FBU - \$107/per month

**.82 Utilities (including telephone)**

- a. one-person FBU - \$15/per month
- b. two-person FBU - \$16/per month
- c. three-person FBU - \$17/per month
- d. four-person or larger FBU - \$19/per month

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME INKIND (Continued)

44-115

AFDC .83 Food

- a. one-person FBU - \$37/per month
- b. two-person FBU - \$82/per month
- c. three-person FBU - \$104/per month
- d. four-person FBU - \$129/per month
- e. five-person FBU - \$155/per month
- f. six-person FBU - \$181/per month
- g. seven-person FBU - \$201/per month
- h. eight-person FBU - \$221/per month
- i. nine-person FBU - \$241/per month
- j. ten-person or larger FBU - \$260/per month

DO NOT WRITE IN THIS SPACE

AFDC .84 Clothing

- a. one-person FBU - \$12/per month
- b. two-person FBU - \$23/per month
- c. three-person FBU - \$34/per month
- d. four-person FBU - \$45/per month
- e. five-person FBU - \$56/per month
- f. six-person FBU - \$67/per month
- g. seven-person FBU - \$79/per month
- h. eight-person FBU - \$90/per month
- i. nine-person FBU - \$101/per month
- j. ten-person or larger FBU - \$112/per month

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE (Continued)**

44-212

AFDC .2 The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU (Per Section 44-213.3 and .4)	Minimum Basic Standard of Adequate Care
1	\$155
2	260
3	316
4	389
5	449
6	506
7	556
8	615
9	673
10	731

plus \$6 for each additional needy person

**44-315 AMOUNT OF AID (Continued)**

44-315

AFDC .411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

Size of FBU	Maximum Aid
1	\$144
2	237
3	293
4	349
5	399
6	448
7	491
8	535
9	578
10 or more	622

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

ADDC .422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU (Per Section 44-213.3)	Maximum Amount for Recurring Special Needs
1	\$ 11
2	23
3	23
4	40
5	50
6	58
7	65
8	80
9	95
10	109

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

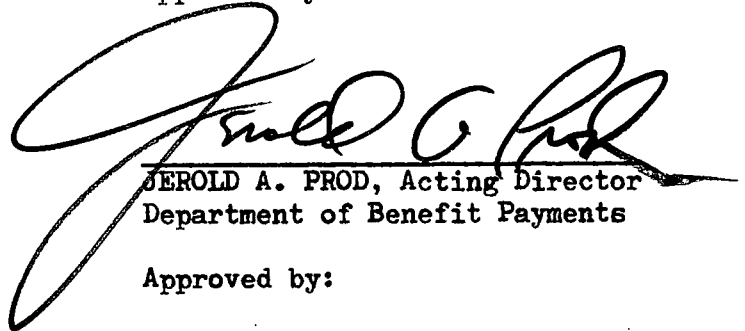
DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)


There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations implement a mandate previously enacted by statute (Chapter 578, Statutes of 1971).

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento 95814

May 8, 1975

REFER TO:



**FILED**

In the office of the Secretary of State  
of the State of California

MAY 29 1975

At 2:50 o'clock P. M.

MARCH FONG EU, Secretary of State

By Marjorie R. Hershey  
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on February 5, 1975, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

RECEIVED FOR FILING

MAY 29 1975

Office of Administrative Hearings

*Jerald A. Prod*  
GEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:

*Mario G. Obledo*  
MARIO G. OBLEDO, Secretary  
Health and Welfare Agency

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 6 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUN 6 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

\_\_\_\_\_  
Department of Benefit Payments

(Agency)

Dated: June 6, 1975

By: 

\_\_\_\_\_  
Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUN 6 - 1975

At 4:20 o'clock P.M.

MARCH FONG EU, Secretary of State

  
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on July 6, 1975, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amended Section: 51016 of Division 3 of Title 22 of the California Administrative Code.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Section 51016. Provider Audit Appeals. Upon conclusion of any audit or examination by or on behalf of the Department of Benefit Payments or its predecessors, of records or reports of a provider of health care services as defined herein, efforts will be made to resolve and reconcile all differences with the provider. When such differences cannot be resolved, the audit or examination findings shall not be final except as set forth in this regulation:

Section 51016.1. Definitions. The following definitions shall govern the construction of Sections 51016 through 51016.25:

- (a) "Department" means the State Department of Benefit Payments unless otherwise specified.
- (b) "Director" means the Director of the Department of Benefit Payments unless otherwise specified.
- (c) The present tense includes the past and future tenses, and the future tense includes the present.
- (d) The masculine gender includes the feminine and neuter.
- (e) "Shall" is mandatory and "may" is permissive.
- (f) "Provider of health care services" means any individual or entity or organization subject to audit by the Department of Benefit Payments, pursuant to Sections 5700.1 or 14105 of the Welfare and Institutions Code, or Sections 249.2, 417.7, 1142, 3289, and 38250.1 of the Health and Safety Code.
- (g) The date on which a mailing occurs shall be the date postmarked on the envelope if postage was prepaid and the envelope was properly addressed. A mailing by the Department shall be properly addressed if addressed to the last address of record with the Department.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Section 51016.2. Informal Conference. If a provider disputes any audit or examination findings, the provider may request within 30 calendar days of the mailing of a written notice of the audit or examination findings that the Department conduct an informal conference. The purpose of the informal conference shall be to attempt to resolve the issue or issues in dispute. If no such request is made, the audit or examination findings shall then be final.

The request shall be in writing, shall be specific as to all issues in dispute, and shall set forth the amount each issue represents. Only such issues shall be considered as matters in dispute. The Department may require submission of pertinent documentation by the provider relevant to the provider's contentions prior to the informal conference.

The Department shall schedule and conduct the informal conference as soon as reasonably possible following receipt of the request therefor. The informal conference shall be held at such time and place that are mutually convenient to the Department and the provider. Notice of the time and place of the informal conference shall be given in writing by the Department to the provider at least ten (10) calendar days in advance of the conference. The results of the informal conference shall, within a reasonable time, be submitted to the provider in the form of a written letter of findings.

Section 51016.3. Provider Audit Appeal Hearing. If upon receipt of the written letter of findings the provider continues to dispute any matter which was in issue at the informal conference, the provider may appeal to the Director for a hearing conducted by a hearing officer designated by the Director.

Section 51016.4. Time for Filing Appeal. The provider shall have twenty (20) calendar days following the mailing of the letter of findings within which to

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

file an appeal with the Director. An appeal shall be deemed filed on the date it is delivered or mailed to the Health Appeals Bureau of the Department.

Section 51016.5. Form of Appeal. An appeal shall be in writing, signed by the provider or his authorized agent, and shall state the address of the provider and of the agent, if any. An original and a copy of the appeal shall be submitted. An agent must be designated in writing by the provider.

Section 51016.6. Contents of Appeal. An appeal need not be formal, but it shall be specific as to such issues as continue to be in dispute, setting forth the provider's contentions as to those issues. If an appeal fails to state the specific grounds upon which it is based, the provider or his agent shall be notified that it does not comply with the requirement of this regulation, and shall be granted ten (10) calendar days after the date of mailing such notice to the provider within which to file an amended appeal. If within the time permitted the provider or his agent fails to amend his appeal as notified, the appeal shall be dismissed.

Section 51016.7. Merger of Successive Appeals. If, at the time any appeal is filed, one or more prior appeals by the same provider involving the same or similar issues have not been heard by a hearing officer, such prior appeals may upon notice to the parties be combined with the last appeal filed, and the hearing officer may issue a single decision.

Section 51016.8. Withdrawal of Appeal.

- (a) An appeal may be withdrawn by the provider by written request at any time before decision is issued or by oral request at the time of the hearing. If such request is made, the hearing officer shall issue a decision dismissing the appeal.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

- (b) An appeal so dismissed shall be reinstated by the hearing officer if the provider files a written application and shows therein that the request for withdrawal resulted from misinformation given by the Department or Department of Health, or from fraud or coercion, or other good cause as determined by the hearing officer. An application for reinstatement shall be made within thirty (30) calendar days after personal service or mailing of the decision dismissing the appeal; or, in the event of fraud, within thirty (30) calendar days after discovery of such fraud, but in no event later than one year after issuance of the decision dismissing the appeal.

Section 51016.9. Dismissal of a Late Appeal. If an appeal is filed after the time permitted herein, a decision shall be issued dismissing the appeal unless the provider shows good cause for late filing.

Section 51016.10. Notice of Hearing. Written notice of the time and place of hearing an appeal shall be mailed to each party at least fifteen (15) calendar days before the date of the hearing. The time and place of notice may be shortened with the consent of the parties. Any party may waive notice.

Section 51016.11. Witnesses and Subpoenas.

- (a) A party shall arrange for presence of his witnesses at the hearing.
- (b) A subpoena may be issued by a hearing officer on his own motion.
- (c) A subpoena to compel the attendance of a witness may be issued by a hearing officer upon written request made by a party and a showing of the need therefor.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

- (d) An application for subpoena duces tecum for the production by a witness of books, papers, correspondence, memoranda, or other records shall be made by affidavit to a hearing officer, giving the name and address of the person or entity upon whom the subpoena is to be served, describing the documents, papers, books, accounts, letters, photographs, objects, or tangible things not privileged desired to be produced and showing the materiality thereof to the issue involved in the proceeding and stating that, to the best of applicant's knowledge, the witness has such items in his possession or under his control.
- (e) Each party shall arrange for the service of all subpoenas issued to him. A copy of the affidavit for subpoena duces tecum shall be served with such subpoena.
- (f) Witnesses, except Department employees, subpoenaed for any hearing are entitled to the fees and mileage set forth in Section 68093 of the Government Code provided a written demand therefor is filed with the hearing officer not later than ten (10) calendar days after the date on which the witness appeared at the hearing. If not claimed within that time, no fees or mileage shall be allowed.

Section 51016.12. Additional Parties. Whenever it appears that other parties should be joined in order to dispose of all issues, the hearing officer may so order and may grant such continuance and hold such additional hearings as may be necessary.

Section 51016.13. Consolidation of Proceedings. Any number of proceedings may be consolidated for hearing or decision when the facts and circumstances are similar and no substantial right of any party will be prejudiced.

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(Pursuant to Government Code Section 11380.1)

Section 51016.14. Severance of Issues. The hearing officer may, upon the motion of any party, or upon his own motion, proceed to the hearing of any issue or issues before the hearing of any other issue in the appeal where it is found that the decision of that issue or issues could abate further proceedings on the appeal.

- (a) An interlocutory proposed decision on such a separately heard issue may be prepared by the hearing officer and adopted by the Director as his final decision on the specified issue in the manner prescribed in this regulation.
- (b) Hearing on any remaining issues presented by the provider's appeal may be postponed until this interlocutory decision has been issued.

Section 51016.15. Preparation for Hearing. A party appearing at a hearing before a hearing officer shall have his evidence and witnesses present and be ready to proceed. The hearing officer, if he deems it necessary for a party's preparation or hearing, may on reasonable notice require either or both parties to submit a written statement of their contentions and the reasons therefor. A copy of such written statement shall be provided to all parties.

Section 51016.16. Conduct of Hearing.

- (a) Testimony shall be taken only on oath, affirmation or penalty of perjury.
- (b) Each party shall have the right to call and examine parties and witnesses; to introduce exhibits; to question opposing witnesses and parties on any matter relevant to the issue even though the matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

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- (c) Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.
- (d) A hearing officer may order the taking of interrogatories and depositions, and assess the expense to the requesting party when the hearing officer deems it proper.
- (e) A hearing officer may question any party or witness and may admit any relevant and material evidence.
- (f) The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties. Prior to taking evidence, the hearing officer shall explain the issues and the order in which evidence will be received.
- (g) A party has the burden of proving whatever facts it must establish to sustain its position.
- (h) The burden of producing evidence as to a particular fact is on the party against whom a finding on that fact would be required in the absence of further evidence.

Section 51016.17. Official and Judicial Notice.

- (a) The hearing officer may take official notice of any generally accepted technical fact in the field of accounting procedures adopted by the Department or the Department of Health, and Federal Medicare Principles of Reimbursement.
- (b) The hearing officer shall take official notice of those matters which must be judicially noticed by a court under Section 451 of the Evidence Code.

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The hearing officer may take official notice of those matters set forth in Section 452 of the Evidence Code.

- (c) Each party shall be given reasonable opportunity to present information relevant to the propriety of taking official notice, and the matters to be noticed.

Section 51016.18. Department Records.

- (a) A hearing officer may order the production or inspection of any records in the possession of the Department when necessary to decide the issues in any proceeding before a hearing officer or to assist a party in preparing for the proceeding.
- (b) A request by a party for an order to produce or inspect Department records shall be in writing and shall state clearly the information desired, the records desired to be produced or inspected, and the reason therefor.

Section 51016.19. Scheduling of Hearings.

- (a) Appeals shall be heard as soon as reasonably possible.
- (b) Except as hereinafter provided, the hearing officer shall determine the time and place of hearing but all efforts shall be made to select a time and location that are mutually convenient to the Department and provider.
- (c) Copies of records furnished by the Department or Department of Health to the hearing officer shall be made available to the parties for inspection at a reasonable and convenient time.

Section 51016.20. Continuance of Hearings; Further Hearing. A hearing officer may continue a hearing to another time or place on his own motion or, upon a showing of good cause, at the request of any party. Written notice of the time and place of the continued hearing, except as provided herein, shall be in

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accordance with this regulation. When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to each party present at the hearing. Prior to his decision, the hearing officer on his own motion, or upon a showing of good cause, may order a further hearing. Notice thereof shall be given in accordance with this regulation.

Section 51016.21. Continuance for Additional Evidence. If, after a hearing has begun, the hearing officer determines that additional evidence is necessary for the proper determination of the case, he may at his discretion:

- (a) continue the hearing to a later date and order either party to produce additional evidence, or
- (b) close the hearing and hold the record open in order to permit the introduction of additional documentary evidence. Any material submitted after the close of the hearing shall be made available to both parties and each party shall have the opportunity for rebuttal. The hearing officer may order a further hearing if the nature of the additional evidence or the refutation thereof makes a further hearing desirable.

Section 51016.22. Representation at a Hearing. A hearing officer may refuse to allow any person to represent a party in any hearing when such person engages in unethical, disruptive or contemptuous conduct or intentionally fails to comply with the proper instructions or orders of the hearing officer or the provisions of this regulation.

Section 51016.23. Oral Argument and Briefs. At the request of any party made prior to the close of the hearing, the hearing officer may grant oral argument. If written argument is requested, it may be granted and the parties shall be

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advised as to the time and manner within which such argument is to be filed. The hearing officer may, at his own discretion, require any party to submit written memoranda pertaining to any or all issues raised in the hearing.

Section 51016.24. Disqualification of Hearing Officer. A hearing officer shall voluntarily disqualify himself and withdraw from any proceedings in which he cannot give a fair or impartial hearing or in which he has an interest. A party may request the disqualification of a hearing officer by filing an affidavit stating in detail the grounds upon which it is claimed that a fair and impartial hearing cannot be given or that the hearing officer has an interest in the proceeding.

The hearing officer shall immediately present the affidavit to the Chief Counsel, who will investigate the allegations and shall advise the complaining party in writing of his decision. A copy of his decision shall be mailed to the other parties.

If the Chief Counsel can conveniently reassign the case to another hearing officer, no investigation shall be required.

Section 51016.25. Decision.

- (a) At the conclusion of the hearing, the hearing officer shall take the matter under submission and as soon as is reasonably possible thereafter submit to the Director a proposed decision in a form that may be adopted as the decision of the Director; provided, however, that the proposed decision in any dispute involving services provided under Part 2 of Division 5 of the Welfare and Institutions Code shall be first submitted to the Director of Health, who, no later than 10 days after receipt, shall

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forward the proposed decision with his written comments, if any, to the Director. The proposed decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and an order. The Director may adopt the proposed decision without reading or hearing the record, or he may reject the proposed decision and have a decision prepared based upon the record, or he may remand the matter to the hearing officer to take additional evidence. In the latter instance, the hearing officer thereafter shall submit to the Director a new proposed decision in a form that may be adopted as the decision of the Director. The decision shall be final upon adoption by the Director. Copies of the decision of the Director shall be mailed to the provider and any representative thereof.

- (b) If a provider fails to appear at a hearing, a decision may be issued dismissing the appeal. A copy of the decision shall be mailed to each party together with a statement of the provider's right to reopen the appeal.
- (c) Any decision dismissing an appeal may be rescinded if the provider makes application in writing within ten (10) calendar days after personal service or mailing of such decision showing good cause for his failure to appear at the hearing. Lack of good cause will be presumed when a continuance of the hearing was not requested promptly upon discovery of the reasons for failure to appear at the hearing.
- (d) If a party to an appeal other than the provider fails to appear at a hearing and the hearing officer issues a decision on the merits adverse to that party's interests, the decision shall be accompanied by a statement of the party's right to make application to vacate the decision. Such application may be in writing and shall be made within ten (10) calendar

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days after personal service or mailing of the decision. Upon a showing of good cause for failure to appear at the hearing, the Director may issue an order to vacate his decision and the matter may be set for further hearing. Lack of good cause will be presumed when a continuance of the hearing was not requested promptly upon discovery of the reasons for failure to appear at the hearing.

- (e) The parties shall be notified in writing of an order granting or denying any application to vacate a decision.

Authority: W&IC Sections 5700.1, 14102, 14105, 14124.1, 14124.2; H&SC Sections 249.2, 417.7, 1142, 3289, 38250.1; Government Code, Article 2 of Chapter 2, Part 1, Division 3, Title 2 (commencing with Section 11180).

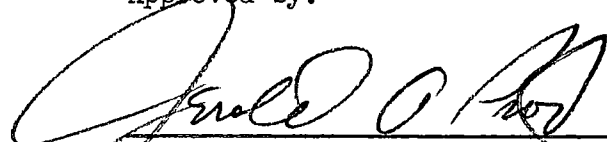
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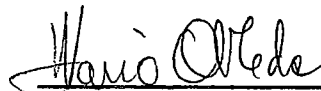
There are no state mandated local costs in these regulations as they require no new program or increased level of service of an existing program.

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 10 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUN 10 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: May 23, 1975

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUN 19 1975

At 2:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Marjorie R. Kershberger*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 46-210.511  
46-210.6

Adopt: Chapter 46-600

Repeal: Section 46-330

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The following facts constitute the emergency:

1. Chapter 1216, Statutes of 1973, provided for a state administered and state funded program for individuals not eligible for SSI/SSP benefits because they own homes valued at more than \$25,000.
2. Chapter 1216, Statutes of 1973, was signed into law as an urgency statute in December 1973, to be effective January 1, 1974. This time sequence did not allow adequate time to fully develop the program and issue comprehensive regulations.
3. Limited regulations, issued shortly after the effective date of the law, have proved inadequate to implement the program. Consequently, eligible individuals are not receiving the benefits to which they are entitled. Therefore, to prevent the continuation of this hardship, it is necessary to issue these regulations immediately.
4. In order to better implement the state legislation, to be consistent with legislative intent, and to expand and clarify the regulations to enable the counties to carry out the state program, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.51 In determining the allowable resources of an individual (and spouse if any), the following items are excluded:

.511 Home to the extent the current market value, without regard to encumbrances, does not exceed \$25,000. Where the market value exceeds \$25,000, without regard to encumbrances, an applicant who would otherwise be eligible for SSI-SSP payments, except for the value of his home, is eligible for payments under Section 46-600.

46-210 ELIGIBILITY-FACTORS FOR SSP (Continued)

46-210

.6 Residency

To be eligible for the SSP an individual must be a U.S. citizen or an alien lawfully admitted for permanent residence or those Cuban refugees eligible for SSI. The individual must also be physically residing in the state and intend to continue residing here.

.61 Responsible County

The county in which the applicant or recipient resides shall be responsible for the administration of emergency loans (Section 46-335), special circumstance payments (Section 46-425), and benefits under Section 46-600 to that recipient or applicant.

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(Pursuant to Government Code Section 11380.1)

CHAPTER 46-600 EXCESS VALUE HOME PROGRAM

46-600

46-601 GENERAL STATEMENT

If an otherwise eligible individual or couple owns a home, the market value of which exceeds \$25,000, such individual or couple shall be entitled to receive payments at the same levels as established for a SSI-SSP recipient or recipient couple.

The county welfare department shall be responsible for eligibility determination and grant computation and payment. The amount of the grant is determined by deducting countable income (see Sections 46-305 through 46-315) from the applicable benefit level (See Section 46-325).

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(Pursuant to Government Code Section 11380.1)

46-603 ELIGIBILITY FACTORS

46-603

.1 Income

If the net nonexempt income of an individual or couple (see Sections 46-305 through 46-315) equals or exceeds the appropriate SSP benefit level, the individual or couple will be ineligible for assistance in this program. (See Section 46-325).

.2 Resources

Resources include real and personal property. Determination of non-excludable resources shall be made in accordance with Manual Section 46-210.5. Those individuals or couples whose nonexcludable resources, exclusive of the value of their home, exceed the limits set forth in Section 46-210.5 shall be ineligible for assistance in this program.

.21 Disposition of Resources

In the following circumstances, an individual, or couple whose resources exceed the limits imposed in Section 46-210.5, may continue to be eligible for assistance if:

.211 Total nonexcludable resources do not exceed \$3,000 for an individual or \$4,500 for an individual and spouse, and

.212 Total nonexcludable liquid resources such as cash and negotiable instruments do not exceed \$390 for an individual or \$585 for an individual and spouse, and

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46-603 ELIGIBILITY FACTORS (Continued)

46-603

.213 The individual agrees in writing to dispose of the non-liquid resources in excess of the limitations and repay any overpayments with the proceeds. Aid paid during the period allowed for disposition is considered an overpayment.

.22 Time Limits for Disposing of Resources

Real property will be disposed of within six (6) months and other property within three (3) months. The time period will begin on the date the written agreement is signed by the individual. However, in the case of a disabled individual, the time period will begin on the date of the disability determination.

.221 The time periods may be extended an additional three (3) months if it is found that the individual had "good cause" for failing to dispose of the resources within the time limits.

.222 An individual will be found to have "good cause" for failing to dispose of a resource if, despite reasonable and diligent effort on his part, he was prevented by circumstances beyond his control from disposing of the resource.

.3 Residence

To be eligible for the EVH Program, an individual must be a U. S. citizen, an alien lawfully admitted for permanent residence or those Cuban refugees eligible for SSP except for the value of their home. The individual must also be physically residing in the state and intend to continue residing here.

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46-603 ELIGIBILITY FACTORS (Continued)

46-603

.31 Action After Absence of Thirty Days

Inquiry shall be made of all recipients who have been continuously absent from this state for a period of 30 days to determine their intent as to residence. When the inquiry establishes that a recipient has no intention of returning to this state, EVH benefits shall be terminated immediately. When a recipient has not responded within 30 days to the inquiry, it shall be presumed that he does not intend to maintain California residency and EVH benefits shall be discontinued immediately.

.32 Proof of Intention to Remain a Resident

A recipient who responds to the inquiry and indicates an intent to maintain his California residence shall not be considered to have changed his residence where he clearly shows:

- .321 That he is a student (see Section 46-205) regularly attending school, college, university, or technical training, designed to prepare him for gainful employment, at a facility outside of California for which there is no comparable facility or program within the state and available to the student;

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46-603 ELIGIBILITY FACTORS (Continued)

46-603

.322 that his return to California was prevented by  
illness or other good cause;

.323 that he can support his intent to return by one  
of the following facts:

A. Family members with whom the recipient lived  
currently live in California.

B. Recipient has continued maintenance of his  
California housing arrangements.

C. Recipient has employment or business interests  
in California, which is not contradicted by any  
of the following facts:

1. Recipient has purchased or leased a house  
out-of-state since leaving California.

2. Recipient has been employed out-of-state  
since leaving California.

3. Recipient has obtained an out-of-state motor  
vehicle driver's license since leaving  
California.

4. Recipient, by any other act, has indicated  
his intent to establish residence outside  
California.

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46-603 ELIGIBILITY FACTORS (Continued)

46-603

.33 Ineligibility Due to Absence from State

The continued absence of a recipient from the state for a period of 60 days or longer, in the absence of supporting evidence of his intent to return (see 46-603.32 above), is conclusive evidence of the intent of the recipient to have changed his residence to a place outside the state, and aid shall be discontinued.

.34 Restoration of Benefits

If aid has been discontinued after the recipient has indicated his intent to change his residence in response to the 30-day inquiry, and subsequently/<sup>he</sup> returns to the state within 60 days after leaving and he is otherwise eligible, he shall be granted EVH benefits on the first day of the month following his reapplication.

.35 Absence from the Country

A recipient is ineligible for benefits for the first full calendar month he is outside the United States, and his grant shall be suspended for such month. For purposes of this paragraph, "outside the United States" means outside the 50 states and the District of Columbia. After a recipient has been absent from the country for 30 consecutive

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46-603 ELIGIBILITY FACTORS (Continued)

46-603

calendar days, he is considered as remaining outside of the United States until he has returned to and remained in the United States for a period of 30 consecutive days. Each calendar day consists of a full 24-hour day.

.4 Institutional Status

.41 No person will be eligible for aid in this program if he is an inmate of a public institution, unless,

.42 The inmate of the public institution is the eligible spouse of an individual eligible for assistance in this program, and

.43 The couple has been physically separated for less than six months. (See Section 46-609 for benefit levels).

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46-605 APPLICATION PROCESS

46-605

.1 New applicants for assistance will be referred from the county to SSA, or will go to SSA directly. SSA will determine the value of the home and refer to the counties all applicants who are federally ineligible due to ownership of an excess value home. The referral form used will be SSA 8221 CA (formerly SSA 1620).

.11 The applicant shall complete the appropriate statement of facts, Form SSP 5(C) for a couple or Form SSP 5(I) for an individual.

.12 All eligibility factors (see Section 46-603) shall be supported by documentary evidence or other reasonable verification recorded in the case record.

.13 The county shall also be responsible for informing the applicant of his rights and responsibilities in clearly stated terms prior to his signing the application.

.2 Disability or Blind Application

The county welfare department is responsible for securing all medical information needed to determine disability or blindness. (Sections 46-210.2 and 46-210.3.) This includes arranging for medical examinations when necessary. When all necessary material has been assembled and reviewed for completeness, it is to be forwarded to State Medical Review Team (SMRT, Disability Evaluation Program, Department of Health, 107 South Broadway, Room 6040, Los Angeles, California 90012).

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46-605 APPLICATION PROCESS (Continued)

46-605

.21 Any further county and state responsibility for the disability determination, including the use of authorized forms shall be carried out according to instructions issued by the Department of Health.

.3 Verification of Statement of Facts

.31 The latest property tax statement shall be used to substantiate the value of a home.

.32 Age

The applicant shall submit supporting evidence of his date of birth to establish eligibility based on his having reached or passed his 65th birthday. In the absence of evidence to the contrary, if the applicant alleges that he is at least 68 years old and submits documentary evidence at least three years old which supports his allegation, no further evidence is required.

The following documentary evidence provides proof of age:

a. Birth certificate

b. Baptismal certificate

c. OASDI records

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46-605 APPLICATION PROCESS (Continued)

46-605

.32 Age (Continued)

In the absence of the above documents, any of the following may be accepted, after giving due consideration as to when they were recorded and the circumstances under which they were recorded:

a. School record

b. Census record

c. Family Bible

d. Insurance policy

e. Marriage certificate

f. Immigration and/or Naturalization record

g. Voting record

h. Other public records

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46-605 APPLICATION PROCESS (Continued)

46-605

.33 Resources

.331 Liquid resources are those properties that are in cash or are financial instruments readily convertible to cash. Liquid resources include cash on hand, cash in savings and/or checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages and similar properties. Satisfactory evidence of the extent of the applicant's liquid resources includes, but is not limited to, bank books, postal savings certificates, stock certificates and U. S. bonds.

.332 Nonliquid resources include all other properties and are evaluated according to their current market value. The market value of real property is four times the assessed value on the most current tax statement.

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46-605 APPLICATION PROCESS (Continued)

46-605

.333 Limitation on Automobile or Other Vehicle to  
Provide Transportation.

If the retail market value of an automobile exceeds \$1,200, the excess over \$1,200 is counted against the resource limit. However, one automobile will be totally excluded if it is used for employment or for the individual's medical treatment of a specific or regular medical problem. The retail market value is determined to be that listed in Kelly's Blue Book.

If the county, applicant or recipient does not believe that the above method represents the true value of the motor vehicle, an appraisal from a California state licensed independent insurance adjuster shall be considered as additional evidence of the value.

.4 Authorization of Aid

.41 Aid shall not be authorized prior to verification of all eligibility factors. In addition, a home call shall be made on all new applicants.

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46-605 APPLICATION PROCESS (Continued)

46-605

.5 Redeterminations

.51 Eligibility shall be reaffirmed at least every 12 months or when changed circumstances indicate possible ineligibility.

.6 Termination of Aid

When an otherwise eligible recipient or recipient couple no longer owns a home valued at more than \$25,000, aid shall be terminated and the recipient or recipient couple shall be referred to SSA.

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46-607 AID PAYMENTS

46-607

.1 Beginning Date of Aid

The beginning date of aid shall be the first day of the month in which the application is filed in the local SSA office, providing that all eligibility factors are met in that month; and further providing that an application is filed with the county welfare department within 10 working days following denial by SSA.

.11 When SSA terminates SSI/SSP payments, the beginning date of aid is the first day of the month following the month of termination, or the first day of the month of application whichever is later.

.12 Aged applications shall be processed and aid authorized within 30 days from the time of applications. The time limit for blind and disabled applications shall be 60 days. These limits may be extended when the applicant cannot, through no fault of his own, provide the necessary verification in a timely manner.

.2 Delivery of Aid Payments

Aid payments shall be delivered monthly in advance, as follows:

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46-607 AID PAYMENTS (Continued)

46-607

.21 The warrants shall be placed in the mail in time to be received by the recipient not later than the first day of the month.

.22 When the first day of the month is not a postal delivery day, the warrants shall be placed in the mail in order to be delivered on the last day of the preceding month that is a postal delivery date.

.23 An advance cash payment not to exceed \$100 (\$195 for an eligible couple) may be made to any individual (or couple) initially applying for benefits under this program who is presumptively eligible and who is faced with a financial emergency. The advance payment must be recouped in full from the first month's grant; therefore, the amount which can be advanced shall be the lowest of the following:

a. \$100 (\$195 for a couple), or

b. The exact monthly grant amount, or

c. The amount determined to be sufficient to meet the existing financial emergency, or

d. The amount requested.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-607 AID PAYMENTS (Continued)

46-607

.3 Case Records

The county shall establish case folders containing a payment record and related documents.

.31 Numbering of these case records shall be in accordance with Operations Manual Section 23-253 with aid category codes 15 (aged), 25 (blind), and 65 (disabled).

.4 Notice of Action

Applicants shall be notified ten days before action is taken on denials/ approvals, terminations, reductions, increases and suspensions.

.41 The ABCD 239 shall be used to transmit notice of action to the recipient.

.5 Right to Appeal

Any applicant or recipient who is dissatisfied with action taken pursuant to .4 above may appeal to DBP. Such appeal shall be handled in the manner prescribed for fair hearing requests in Division 22 of the EAS Manual.

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(Pursuant to Government Code Section 11380.1)

46-609 BENEFIT LEVELS (Continued)

46-609

Applicants for assistance in the EVH program will be eligible for benefits in the same amounts as SSI/SSP recipients. The factors which affect the benefit levels are as follows: (See Section 46-325)

.1 Linkage

.11 A new applicant who has reached his 65th birthday shall be paid the benefits for an aged individual even though the applicant may be blind or disabled.

.12 An applicant who is less than 65 years old shall be paid the appropriate benefits for the blind or disabled. If the applicant is both blind and disabled, he shall be advised of the higher payment level and of his right to choose either benefit level.

.2 Marital Status

At the time of application, the applicant shall furnish information of his marital status, and, if married, whether he is residing in the same

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(Pursuant to Government Code Section 11380.1)

46-609 BENEFIT LEVELS (Continued)

46-609

.2 Marital Status (Continued)

household with his spouse. In addition, the applicant shall advise whether he is living in the same household with any unrelated person of the opposite sex and whether the applicant and such other person are holding themselves out in the community in which they reside as husband and wife.

.21 If the applicant lives in the same household with his eligible spouse, they shall be paid as a couple.

.22 If the applicant is physically separated from his eligible spouse for a period of more than six months, he shall be paid as an individual.

.23 Married couples who are physically separated for less than six months shall continue to be paid as a couple until the expiration of the six month period. (See following Section for benefit levels).

.24 If a recipient who owns an excess value home but receives SSI/SSP<sup>o</sup> as a result of conversion to the program prior to January 1, 1974 has a spouse in the same household who becomes eligible subsequent to January 1, 1974, the spouse will be aided under the EVH program. The benefit level will be that of a couple and the EVH recipient will receive an amount that is the difference between the appropriate benefit level for a couple and the amount received by the SSI/SSP recipient.

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(Pursuant to Government Code Section 11380.1)

46-609 BENEFIT LEVELS (Continued)

46-609

.3 Living Arrangements

Benefit levels vary according to whether the individual or one member of an eligible couple is living in the household of another, a medical institution under Title XIX or nonmedical out-of-home care.

For purposes of this program, an individual who is otherwise eligible but is temporarily in a public medical institution or in nonmedical out-of-home care, shall remain eligible until it is determined that his absence from his home will continue for a period of at least six months. After that determination has been made, he becomes ineligible for this program but may be eligible for SSI/SSP.

.31 Payment levels for couples who have been physically separated less than six months are as follows:

A. Aged and Aged, or  
Disabled and Disabled, or  
Aged and Disabled.

- |  |                 |
|--|-----------------|
| 1. <u>Both in independent living arrangement</u>       | <u>\$440</u>    |
| 2. <u>Both residing in household of another</u>        | <u>\$375</u>    |
| 3. <u>One independent; one in household of another</u> | <u>\$407.50</u> |

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46-609 BENEFIT LEVELS (Continued)

46-609

.31 Payment levels for couples who have been physically separated  
less than six months are as follows: (Continued).

4. One independent; one in Title XIX

Institution \$245

5. One independent; one nonmedical OHC

\$503

6. One in household of another; one in

Title XIX Institution \$212.50

7. One in household of another; one in

nonmedical OHC \$470.50

8. One in Title XIX institution; one in

nonmedical OHC \$308

9. Both in Title XIX Institutions

\$ 50

10. Both in nonmedical OHC

\$566

B. Blind and Blind.

1. Both in independent living arrangement

\$530

2. Both residing in the household of another

\$465

3. One independent; one in household of

another \$497.50

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46-609 BENEFIT LEVELS (Continued)

46-609

.31 Payment levels for couples who have been physically separated  
less than six months are as follows: (Continued)

4. <u>One independent; one in Title XIX Institution</u>	<u>\$290</u>
5. <u>One independent; one nonmedical OHC</u>	<u>\$548</u>
6. <u>One in household of another; one in Title XIX Institution</u>	<u>\$257.50</u>
7. <u>One in household of another; one in nonmedical OHC</u>	<u>\$515.50</u>
8. <u>One in Title XIX Institution; one in nonmedical OHC</u>	<u>\$308</u>
9. <u>Both in Title XIX Institutions</u>	<u>\$ 50</u>
10. <u>Both in nonmedical OHC</u>	<u>\$566</u>
C. <u>Blind and Aged, or Blind and Disabled.</u>	
1. <u>Both in independent living arrangement</u>	<u>\$500 *</u>
2. <u>Both residing in household of another</u>	<u>\$435 *</u>
3. <u>Blind independent; A or D in household of another</u>	<u>\$452.50</u>

\* Fixed by law

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(Pursuant to Government Code Section 11380.1)

46-609 BENEFIT LEVELS (Continued)

46-609

.31 Payment levels for couples who have been physically separated  
less than six months are as follows: (Continued)

4. <u>A or D independent; blind in household of another</u>	<u>\$452.50</u>
5. <u>A or D independent; Blind, Title XIX Institution</u>	<u>\$245</u>
6. <u>Blind independent; A or D, nonmedical OHC</u>	<u>\$548</u>
7. <u>Blind in household of another; A or D, Title XIX Institution</u>	<u>\$257.50</u>
8. <u>Blind household of another; A or D, nonmedical OHC</u>	<u>\$515.50</u>
9. <u>One in Title XIX Institution; one in nonmedical OHC</u>	<u>\$308</u>
10. <u>Both in Title XIX Institutions</u>	<u>\$ 50</u>
11. <u>Both in nonmedical out-of-home care</u>	<u>\$566</u>

D. In independent living arrangement where there  
is a certification of unavailable and inade-  
quate cooking and food storage facilities, add  
\$25 to each individual benefit.

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(Pursuant to Government Code Section 11380.1)

46-609 BENEFIT LEVELS (Continued)

46-609

.311 The above benefits are computed as follows:

1. Determine the current living arrangement of each individual.

2. Provide the individual benefit amount for each individual who is in one of these living arrangements:

a. Home without cooking<sup>and food storage</sup>/facilities;

b. Nonmedical out-of-home care;

c. Title XIX Institution.

3. Provide one half of the couple benefit for each individual in one of the other living arrangements:

a. Independent living arrangement;

b. Residing in the household of another.

4. The couples benefit, which is paid individually, is the total of the individual benefits computed by rules two and three.

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46-609 BENEFIT LEVELS (Continued)

46-609

.32 Schedule of State Supplementary Payments

Category of Eligible <sup>1/</sup> Individuals	Living Arrangements				
	Independent Living Arrangement	Residing in the Household of Another and Receiving Room and Board in Kind	Independent Living Arrangement Without Cooking Facilities	Nonmedical Board and Care	Disabled Minor Residing in Home of Relative
Aged . . . . .	\$235	\$191.67	\$260	\$283	n/a
Disabled . . . . .	235	191.67	260	283	\$213
Blind . . . . .	265	221.67	265	283	n/a
Aged and Aged Spouse . . . . .	440	375.00	490	566	n/a
Disabled and Disabled Spouse . . . . .	440	375.00	490	566	n/a
Blind and Blind Spouse . . . . .	530	465.00	530	566	n/a
Aged and Disabled Spouse . . . . .	440	375.00	490	566	n/a
Aged and Blind Spouse . . . . .	500	435.00	500	566	n/a
Blind and Disabled Spouse . . . . .	500	435.00	500	566	n/a

<sup>1/</sup> The terms used in this column shall have the following meanings:

1. "Aged" - an aged eligible individual
2. "Blind" - a blind eligible individual
3. "Disabled" - a disabled eligible individual
4. "Aged and Aged Spouse" - an aged eligible individual and such individual's aged eligible spouse
5. "Blind and Blind Spouse" - a blind eligible individual and such individual's blind eligible spouse
6. "Disabled and Disabled Spouse" - a disabled eligible individual and such individual's disabled eligible spouse
7. "Aged and Blind Spouse" - an aged eligible individual and such individual's blind eligible spouse
8. "Aged and Disabled Spouse" - an aged eligible individual and such individual's disabled eligible spouse
9. "Blind and Disabled Spouse" - a blind eligible individual and such individual's disabled eligible spouse

CONTINUATION SHEET  
 FOR FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-611 ARRANGEMENT FOR SUBSTITUTE PAYEE,  
GUARDIAN OR CONSERVATOR

46-611

When it is necessary for a person to act as a substitute payee, guardian or conservator, the county is responsible for assisting in the development of a satisfactory plan. Regulations as stated in EAS Manual Section 40-107.2.

46-613 FUNDING OF PROGRAM

46-613

Based on the cost allocation plan, counties will be reimbursed for 100% of all administrative costs related to this program. Program costs will also be fully reimbursed by the State.

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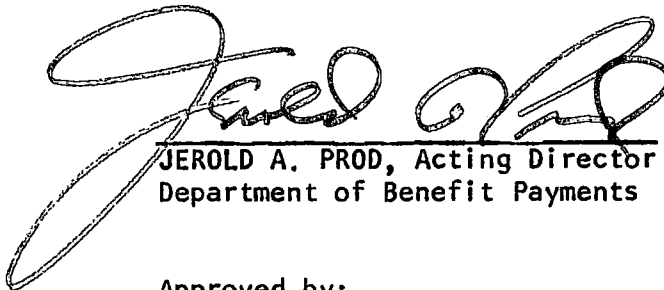
(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective immediately upon filing with the Secretary of State:

Section 46-330 AID PAYMENTS FOR INDIVIDUALS WHOSE HOME  
EXCEEDS FEDERAL RESOURCE LIMITS

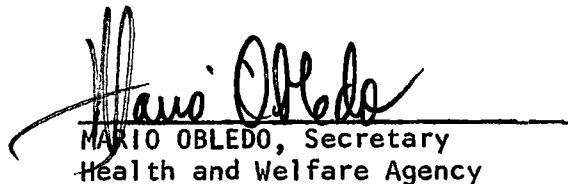
There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because financing has been provided by Chapter 1216, Statutes of 1973.

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:



MARIO OBLEDO, Secretary  
Health and Welfare Agency

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DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento 95814

May 14, 1975

REFER TO:



FILED

In the office of the Secretary of State  
of the State of California

JUN 20 1975 m

At 1:55 o'clock P. M.

MARCH FONG EU, Secretary of State

By Margie R. Herschberger  
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on February 21, 1975, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Jerald A. Prod  
JEROLD A. PROD, Acting Director  
Department of Benefit Payments

Approved by:

Mario G. Obledo  
MARIO G. OBLEDO, Secretary  
Health and Welfare Agency

RECEIVED FOR FILING

JUN 20 1975

Office of Administrative Hearings

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 25 1975

Office of Administrative Hearings

FILED  
APPROVED FOR FILING  
(Gov. Code 11380.2)

JUN 25 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated:

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUN 25 1975

At 9:10 o'clock a M.

MARCH FONG EU, Secretary of State

By *Margaret R. Herschberger*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise: Section 46-325.1  
46-325.2  
46-325.3

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The following facts constitute the emergency:

1. The Statutes of 1973, Chapter 1216, provided for an annual cost-of-living increase in aid payments for <sup>the</sup> State Supplemental Program to be effective on July 1 of each year.
2. Computation of such annual increase is dependent on the increase provided for in P.L. 93-66 and consequently on the figures provided by the Social Security Administration for the Supplemental Security Income Program. Such figures could not be provided for the fiscal year 1975-76 until May 1975, which date was too late for implementation of the standard regulatory adoption process.
3. In order to assure that all recipients receive the cost-of-living increase on the date provided by law, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective on July 1, 1975.

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(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

.1 Eligible IndividualBenefit Level

Aged or Disabled

\$250

Blind

283

A disabled Minor under 18, or

under 21 if unmarried and

attending school full-time,

Living with a Parent or

Guardian or Relative by

Blood or Marriage

222.2 Eligible CoupleBenefit Level

Both of Whom are Aged or Disabled, or

\$474

Both of Whom are Blind, or

579One of Whom is Blind and the

Other Aged or Disabled, or

544

Both of Whom are Residents in an

Out-of-Home care Facility

608

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

.3 Resident of Nonmedical "Out-of-Home Care" Facility

	<u>Minimum</u>	<u>Maximum</u>
For Board and Room (Shelter and Food)	<u>\$130</u>	<u>\$130</u>
For Care and Supervision	<u>112</u>	<u>139</u>
For Personal and Incidental Needs of the Recipient*	<u>62</u>	<u>35</u>
Total Allowance	<u>304</u>	<u>304</u>

\*If these needs are provided in whole or in part by the facility under an agreement between the recipient and the facility, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

.31 "Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care, and designated supplementary services related to his individual needs. This type of care is nonmedical and includes care provided in facilities licensed to provide residential care.

to which recipients may also be certified

.311 Homes or other facilities which provide personal care and supervision may be unlicensed if:

- a. It is the home of a relative. A relative for purposes of this regulation is defined as a parent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person of the preceding generation denoted by the prefix "grand" or "great", or,
- b. It is a home in which a child has been placed by a court under W&I Code 727(a), or
- c. It is an "exclusive use home" approved by a licensed home finding agency, i.e., Children's Home Society.

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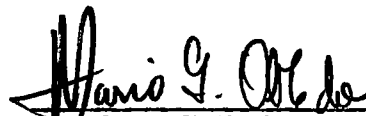
(Pursuant to Government Code Section 11380.1)

This regulation contains no mandate for a new program or increased level of service of an existing program within the meaning of Section 2231(d) of the Revenue and Taxation Code since it merely carries out the provisions of existing law (W&I Code Section 12201).

Approved by:



JEROLD A. PROD, Acting Director  
Department of Benefit Payments



MARIO G. OBLEDO, Secretary  
Health and Welfare Agency

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